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ALLAWAY BEING TAKEN TO THE COURT.

[*Frontispiece.*

The Trial of Thomas Henry Allaway

By

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Geoffrey Bles Suffolk St., Pall Mall
London

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THE TRIAL OF THOMAS HENRY ALLAWAY

INTRODUCTION

The case of Thomas Henry Allaway, chauffeur and ex-soldier, hanged at Winchester Prison on the 19th of August, 1922, for the murder of Miss Irene May Wilkins at Bournemouth, is a strange one.

Although he was convicted and hanged, some part of the mystery which surrounded the case at the outset still remains unsolved.

Allaway confessed himself guilty on the eve of his execution, yet there are to-day many people who refuse to believe him guilty as a principal. They persist in the belief that he was the tool of another. The real motive of his crime has never been conclusively proved, although criminologists have advanced a number of theories.

Though there have been many conjectures, including one supposed reconstruction of the crime by means of clairvoyance, no one knows exactly what happened after Miss Wilkins left Bournemouth Central Railway Station about 7 p.m. on the 22nd of December, 1921, whether or not she was taken to some house, or whether she was taken direct to the lonely spot where her mutilated body was found next morning. What was said and done by the murderer and his victim before the actual commission of the crime is absolutely unknown.

The case provides a remarkable example of the value of circumstantial evidence in proving a criminal's guilt. No one saw the crime committed. Allaway doggedly denied all know-

ledge of it; declared he was elsewhere at the time. Yet, at the end of the trial, all who had heard the whole of the evidence—and there were few besides the jury who had—were forced to the conclusion, not merely that he was indeed the murderer, but that under no conceivable possibility could anyone else have been. It was a case in which a number of circumstantial facts, radiating inwards like the spokes of a wheel, pointed to Allaway as the only possible guilty person. He was the single individual whom all the circumstances fitted.

From the moment the fact of the crime was published in the newspapers the public took the keenest interest in the case. One reason for this was that the drama touched several large centres of population. The murder was committed in Bournemouth. The victim came from Streatham. The murderer, when at length he was discovered, proved to be a Kilburn man. His wife belonged to Reading, and he himself was well known there.

Another reason for the widespread public interest was the fact that the victim was lured from her home to the place where she was murdered by means of a decoy telegram, sent, so far as could be conjectured, and as it afterwards turned out, by a complete stranger to her. This remarkable circumstance appears to be unique in murder records.

The problem of the motive also fanned public curiosity and aroused much discussion. But at the outset the prime mystery was the mystery of the murderer himself, or, as some thought, murderers. Many people found it difficult to believe that the crime was the work of a single brain and hand.

The task of discovering the culprit occupied the attention of the Bournemouth police over four months. And, from the evening when the murder was committed until the early morning when Allaway made his brief journey from the condemned cell to the execution shed in Winchester Prison, a period of eight months elapsed.

Bournemouth, now one of England's principal seaside resorts, is one of the young towns of the kingdom. Its com-

paratively short history of less than a century has been singularly free from crimes of violence. Three murders only appear to have been perpetrated within its borders. The first was in 1894, when an omnibus yard foreman was shot at Pokesdown by a discharged employee named Elkins. The trial of Elkins was one of the shortest murder trials of modern times. He insisted on pleading guilty, the judge admitted the plea, sentenced him out of hand, the whole proceedings lasting fifteen minutes, and he was duly hanged.

The second murder was that of a young dressmaker belonging to Boscombe. In the spring of 1908 her dead body was found, strangled, on the cliffs at Southbourne. Her lover, an ex-Guardsman, was tried for the murder, but, thanks to a brilliant defence by Mr. J. A. Hawke, now Mr. Justice Hawke, he was acquitted.

The Allaway case was the third murder to shock what its residents believe to be the most respectable town in the kingdom. They were able in the end to console themselves with the fact that it was in every respect an imported crime. Still, the burden of the detection of the murderer lay upon the Bournemouth police, or, more correctly, the Hampshire Constabulary.

Although a county borough, with its own Court of Quarter Sessions, and with power to raise and maintain its own police force, Bournemouth has always preferred to be policed by the county force. The officer in charge of the Bournemouth Division has always been a man of experience and ability. Superintendent Shadrach Garrett, who was in charge there in 1921, although not primarily a detective, had a long record of police service, and qualities that served him well when he was faced with the responsibility of directing the research which was at last to run down the murderer.

The drama began with an advertisement in a London morning paper. Miss Irene May Wilkins, the daughter of a barrister, was living with her widowed mother in Thirlmere Road,

Streatham. During the War she had served in the Women's Army Auxiliary Corps, and after the War as a lady cook.

On the 20th of December, 1921, she sent to the *Morning Post* a letter enclosing an advertisement for insertion, running thus:

> "Lady Cook, 31, requires post in a school. Experienced in school with forty boarders. Disengaged. Salary £65. Miss Irene Wilkins, 21, Thirlmere Road, Streatham, S.W. 16."

This advertisement was duly published on the 22nd of December. Before noon that day Miss Wilkins received a telegram from Bournemouth, obviously in answer to her advertisement. It read:

> "*Morning Post.* Come immediately 4.30 train Waterloo. Bournmouth Central. Car will meet train. Expence no object. Urgent. Wood, Beech House."

She at once wired that she would travel to Bournemouth for an interview, and about 3 o'clock that afternoon she set out from her home to catch the 4.30 express from Waterloo.

Some time after she had gone, the telegram she had sent to Bournemouth was returned to Thirlmere Road, with an intimation from the post office that it could not be delivered.

This aroused a feeling of uneasiness among Miss Wilkins' family. It suggested that something was wrong, but they hardly knew what to do in the circumstances. As the evening wore on, and they received no message of her safe arrival at Bournemouth, they became more alarmed. Next morning came the news of a tragedy, all the more terrible because of its unexpectedness and its incomprehensibility.

Miss Wilkins' dead body had been found at dawn in a field at Tuckton, on the borders of the borough. She had been killed by injuries to the head, caused by blows with some heavy instrument.

Tuckton, where the body was found, lies between Bournemouth proper and Christchurch, on the western bank of the River Stour, and on the eastern boundary of the town. At one time only a farm hamlet, by 1921 a large part of the district had come into the market for building purposes. Roads had been cut, and some modern houses had been built.

Two of these new roads converged upon the old Iford-Tuckton Lane, and cut through to West Southbourne, through land which had been cornfields before the War. One of these new thoroughfares, Seafield Road, still contained much undeveloped land, and, at the corner, where it linked with the Iford-Tuckton Lane, there was a plot of uncultivated land, covered with long, rough grass and fringed with gorse bushes. The plot was bordered close to the footpath by a wire fence.

It was on this plot of ground that an elderly labourer named Nicklen found the body of Miss Wilkins just after daybreak on the 23rd of December. Walking along the lane, the odd behaviour of some cows attracted his attention. They were nosing at some object on the ground. His curiosity was aroused, and, climbing over the wire fence, he saw the body of a woman lying flat on the back, screened from the road by the gorse bushes. On nearer approach he found she had been murdered. Her face was a mass of blood and bruises.

He hurriedly communicated with the police by telephone from the waterworks in the vicinity. Before 8 o'clock Police Constable Chiverton arrived on the scene, and shortly after Inspector Brewer and Sergeant Fisher came.

This early discovery of the body was to prove of incalculable value in the task of unravelling the mystery. Nicklen's discovery enabled the police to be upon the scene before there had been any traffic along Seafield Road that morning. When Chiverton arrived there was plainly visible on the road the first link in the chain which was to lead up to Allaway as the murderer—namely, the tracks of a single motor car running on Dunlop Magnum tyres. Had the discovery of the body

been delayed even a couple of hours this very important piece of evidence would have been obliterated by the morning traffic.

Superintendent Garrett and his colleagues were faced with a problem of unusual difficulty. The usual crop of clues, pointing to some jealous husband or lover, was absent. So far as was known, the victim was a complete stranger to the neighbourhood; indeed, it was proved later that she had not a single friend or acquaintance in or near Bournemouth.

The identity of the murdered woman was soon established. Her family had been making inquiries concerning her safety, and their description of her physique and clothing tallied exactly with that of the mutilated body and bloodstained clothing found in the field at Tuckton. An attaché case which she was known to have carried with her was the only piece of her personal property which was missing. Her umbrella was propped against the wire fence, on the footpath side. In a gap in the gorse bushes lay her hat, of distinctive shape and design.

The clothing on the body was slightly damp. This suggested the time of the crime. There had been fairly heavy showers of rain, with short intervals of drizzle up till 8 o'clock, or, at the latest, 8.20 on the evening of the 22nd of December. There was no more rain that night, but a high, drying wind. Arguing from this fact, the police suggested that the murder was probably committed at some time before 8.20 on the 22nd of December.

When Police Constable Chiverton arrived he saw the importance of the motor car tyre marks, and any passing vehicles, although only farm and milk-carts, he made keep to the opposite side of the road. Examining the footpath, he found a number of footmarks, crossing and recrossing too much to enable any definite print to be noted. Blood marks showed at intervals across the path, on the field side of the wire fence, and through the gap in the gorse bushes to where the body lay. There was a smear of blood on the handle of the umbrella leaning against the fence. Another significant fact was that

the motor tyre marks in the road showed a deeper depression at the point opposite where the footmarks and blood splashes appeared on the footpath, indicating that the car had stopped at that spot.

The police surgeon was called to the spot, and he made detailed notes of the condition of the body and clothing as it lay when first found.

Superintendent Garrett took charge of the investigations, and that evening he learnt that not only was a telegram sent from Boscombe to Miss Wilkins the previous day, but that another telegram, similar in import, had been sent from the Bournemouth Post Office on the 20th of December. Two days later—that is, on Christmas Day—he heard that a third telegram, similar to the other two and practically identical in handwriting, had been sent from the Boscombe Post Office on the 17th of December. These telegrams were plain evidence of a persistent scheme to decoy some woman from London to Bournemouth. For what purpose? The only answer was the mutilated body of Miss Wilkins. Two telegrams had failed in their object. The third had succeeded only too well.

Later, it was found that one woman actually travelled from London to Bournemouth in response to one of the two earlier telegrams, but, as no one met her, and as she was unable to locate the address on the telegram, she returned to her home, a fortunate issue for her.

Comparison of the three telegrams showed the writing of all to be obviously by the same hand. The writer, whoever he might be, was illiterate, or pretending to be so, for there were mistakes in spelling in all three.

In the telegram sent on the 17th of December the word "advertisement" was spelt "advertisment," the word "immediate" was spelt "immidiate," Bournemouth was spelt without a medial *e*, the word "if" was spelt "iff," and "expense" was spelt "expence."

In the second, sent on the 20th of December, the word

"pleasant" was spelt "plesent." In the third, and fatal telegram, two of the mistakes in the first were repeated—the omission of the medial *e* from Bournemouth and the use of *c* for *s* in the word expense. Moreover, although it may be assumed that the writer of the third telegram was copying the address from the advertisement in the *Morning Post,* the word "Thirlmere" was spelt "Thirlmear." This remarkable series of errors proved to be exceedingly important in helping to establish the guilt of the murderer.

Weighing up the probabilities, Superintendent Garrett inclined to the opinion that the murderer and the car in which he drove Miss Wilkins away from Bournemouth Central Railway Station were still in the locality. Accordingly, he ordered a round-up of all the cars in the district. Every chauffeur and motor driver was asked to report, or was seen and questioned by the police, and everyone concerned with a car which tallied in any particular with the details of the wheel tracks in Seafield Road was invited to give an account of his movements on the night of the 22nd of December, especially between the hours of 7 and 9.

In this round-up the police actually had their hands upon the murderer, but were not aware of it. The time was not ripe for his apprehension. As the Judge sagely remarked at the trial, had he been arrested early in the case in all human probability the charge against him would have failed. The evidence which was to hang him was not then in Bournemouth. It was locked in some furniture which was stored at Barker's at Kensington.

As the days passed and no arrest was made public interest in the case grew more and more intense. Bournemouth became a town full of amateur detectives. Scores of people volunteered information to the police, most of it valueless. Indeed, much of it tended to obscure the issue and make the task of the police more onerous. Some very valuable information, supplied to the police quite early in the inquiry, was swamped among

the mass of material sent in. Even in this Fate seemed to be at work pushing off the day of the murderer's arrest.

A fresh fillip was given to the public interest in the mystery by the discovery, nine days after the murder, of an attaché case and papers in some bushes at Branksome Park, at the opposite end of the town from where the body had been found. A distance of about eight miles divides the two points.

The case and the papers were identified as those which the murdered woman had with her when she left Streatham. If there had been any doubt it would have been dispelled by the fact that among the papers was an envelope bearing the name of Miss Irene Wilkins. Attaché case and papers were wet and mildewed. To all appearance they had lain where they were found for at least a week. Rain had been intermittent since the night of the murder. One fact was puzzling. An empty purse, also Miss Wilkins', which lay with the papers, was quite dry. The individual who reported the discovery to the police was very closely questioned about this, but he denied positively having found the case and purse earlier, or that he had himself emptied the purse. This mystery remains unsolved. But the discovery of the attaché case and papers confirmed Superintendent Garrett in the belief that the murderer, or murderers, were to be looked for in the locality.

But days and weeks went by with no sign of a solution of the mystery. There began to be, as there generally is in such cases, a clamour in the Press that the assistance of Scotland Yard should be called in. Such a clamour really arose from ignorance of the unusual difficulty of the case. It was one in which local knowledge was of the greatest value. Practically every motor driver, public and private, in the district was known to the police of the Bournemouth division, and long before he was arrested Allaway was under suspicion, although there was no evidence against him. It is extremely doubtful whether any Scotland Yard man would have handled the case one whit better than did Superintendent Garrett.

The enormous labour involved in the task can be faintly realised when it is stated that something like 22,000 documents were filed in relation to the case. No scrap of information, no matter how seemingly trivial, was ignored. The smallest fact which appeared to have the slightest bearing upon the case was carefully scrutinised and inquired into. If it yielded nothing it was marked as "cleared up," and filed.

The weeks dragged into months, and the police were to all appearance as far off an arrest as ever. Superintendent Garrett was frankly disappointed that so much material, and so much research, should have yielded so little result. Four months had passed since the murder, and the chances of finding a solution of the mystery seemed as slight as ever.

Resolved not to be defeated if more hard work would bring success, Superintendent Garrett decided upon a complete review of the whole of the documents in the case. It was a decision which was well rewarded. Going through the papers again, Superintendent Garrett came upon an extremely important report which, by some remarkable chance, had previously escaped his personal scrutiny. This report, by a motor car designer named Humphris, had come in early in January, and had been dealt with by a subordinate. It indicated, among other things, the number of a motor car, LK 7405. The subordinate officer had seen the car and questioned its driver. He had also searched the driver's private lodgings, but the result of the whole inquiry was negative. The driver's replies were plausible, and the copies he made from dictation of the three decoy telegrams were made in a handwriting which differed from that of the originals.

Fate seemed to have taken a hand in the temporary obscuring of this report of Humphris, for, by an accident, it was mixed with the papers dealing with another case. It did not come to light again until the third week in April, when Superintendent Garrett was hot on the track of Allaway.

Without the help of this report, Superintendent Garrett had

for some time had Allaway under suspicion. But there was not a scrap of evidence to connect him with the crime. Other people were suspecting him also. More than once the police had been told he was worth watching.

A bookmaker, arrested and charged with street betting, taunted the police in open court at Bournemouth with wasting their time upon him when they might be doing better service to the community by arresting the Bournemouth murderer; and he named Allaway as the man.

But Superintendent Garrett knew that mere suspicion was wholly insufficient to go upon in so grave a case. It was obvious that any person charged must be definitely connected with the decoy telegrams, by handwriting, or by identification as the person handing them in. The latter possibility seemed out of the question after so long a time as four months. There remained the handwriting.

Now, although Allaway was suspected of being connected in some way with the crime, if indeed he were not the actual murderer, the specimens of his handwriting which the police had seen differed considerably, on an ordinary scrutiny, from that of the decoy telegrams. But all the handwriting of his that the police had seen had been penned *after* the discovery of the murder, and after the publication in the Press of facsimiles of the orginal telegrams.

What was wanted was something in Allaway's handwriting prior to the murder. Superintendent Garrett tried to get a view of an application for the renewal of Allaway's driving licence, which had been made in October, but without success at first. His rooms were again searched, but again the police drew a blank. If there had been anything which could have been used for comparison apparently it had been destroyed long since.

Early in April Superintendent Garrett heard that Allaway had been writing to a friend whom he had met when at St. Andrews with his employer in the early part of 1921. In the hope of getting a sight of one of Allaway's letters, the super-

intendent tried to get into touch with this individual at St. Andrews.

Whether or not Allaway got to know of this move is not clear, but it is certain that about this time he showed signs of becoming apprehensive. Not long before he had moved into a flat in Windsor Road, Boscombe, which had been secured for him by his employer, and he had taken his furniture out of store at Barker's, Kensington, and had it brought to the flat in Windsor Road. Yet, newly installed in a comfortable home, he decided to bolt.

To do this he required money, but he had none. Probably in the hope of making a big coup, he was doing a good deal of betting on horse races just at this time, not in his own name, but as "T. Cook." But no big coup came along. When he won at all it was only a matter of shillings, and he needed pounds. He resolved upon a desperate stroke.

On Thursday, the 20th of April, he took the opportunity, while engaged in odd jobs at his employer's house, to steal a cheque-book containing nine or ten blank cheques from a drawer in a writing-table. Filling in several, and forging the name of his employer, he passed them off on several tradesmen in Boscombe who knew him as Mr. Sutton's chauffeur, and so managed to get sums totalling just over £20. With this money he fled to his old haunts at Kilburn, assuming the name of T. Cook. His wife and child he packed off to the wife's home at Reading. He travelled to London on the evening of the 20th of April.

The theft of the cheque-book, and the passing of the forged cheques, came to the knowledge of the police on the 22nd of April. Allaway had not reported for duty on the 21st, and his employer was thereby put to suspicion that something was wrong. The return of the forged cheques from the bank revealed the second offence.

This desperate move of Allaway's gave Superintendent Garrett the chance he had been waiting for. If the fugitive could

be apprehended he might be held for forgery while inquiries were being pursued concerning the capital charge. Inspector Brewer, another of the Bournemouth officers who had spent much time on the case, was despatched to London to search for Allaway in his native place. But although he had gone to his home on arrival in London, Allaway knew it would be far too dangerous for him to stay there long. When Inspector Brewer arrived Allaway had disappeared, and despite prolonged search in North and North-West London he could not be found.

Superintendent Garrett now made an astute shot, which hit its mark. Allaway had been away from Boscombe a week. On the morning of Friday, the 28th of April, Brewer telephoned to Bournemouth that he had lost all trace of the fugitive. Immediately Garrett telephoned to the Reading police to keep a watch on Mrs. Allaway's home and to arrest Allaway if he should appear there. An officer was sent round, and that evening Allaway was seen approaching the house. But the constable happened to be one of the old hands, and Allaway, recognising him, divined that he was walking into a trap. He turned and ran.

The officer gave chase, but his age was too great a handicap. Allaway was a younger man, and his feet were driven by fear. He would have got away had not a passer-by, seeing the chase, shot out a foot. Allaway fell sprawling. Before he could rise the constable arrived and sat on him! It was Allaway's last run. He spent that night in the police cells at Reading.

Next day Superintendent Garrett arrived to take him to Bournemouth. The Reading police were curious to know why the Bournemouth police had been so concerned overnight about a mere forger. One of the chiefs suggested that if Bournemouth had been chasing a murderer they could not have kept the telephone going more zealously. Garrett's reply was to put upon the table the decoy telegram which had brought Miss Wilkins to Bournemouth. Beside it he put some scraps of

writing—betting slips which had been found on Allaway when searched by the Reading officers the night before.

There was a moment or two of silence while the Reading officer studied the writing; then he burst out:

"Good God, that's the same writing!"

"Yes," was Garrett's reply, "and we believe he is the man."

Before leaving Reading that day Superintendent Garrett saw Mrs. Allaway, and asked her if she had any letters written by her husband. At that time she only knew of the forgery charge, and she naturally thought the police were wanting other writing of Allaway's merely to compare with the writing on the cheques which had been uttered in Boscombe. Not in the least realising the deeper significance behind, she admitted that she had some old post-cards which her husband had written to her from Germany and from Scotland..

Where were they? They were in the drawer of her sewing machine in the flat at 29, Windsor Road, Boscombe. Could she go down to Boscombe that day and get them? No; but she would go on the Monday. It was so agreed.

Superintendent Garrett put an officer on guard at the flat in Windsor Road during the week-end. Mrs. Allaway came down on the Monday, and handed the post-cards of which she had spoken to the superintendent. It is very doubtful whether, had she known she was helping to seal her husband's doom, she would have discovered these documents to the police. He had not treated her well, and she had thought of applying for a separation order. It is quite possible that she was not at all averse to his spending a long term in prison for forgery, and to that extent she was ready to help the police. But when she realised the awful charge which faced him, she strove her hardest to save him, even facing the ordeal of the witness box at his trial.

Nor were the post-cards the only evidence of handwriting found at 29, Windsor Road. Detective Sergeant Ellis made a

search of the place and discovered what proved to be the most cogent document of all. It was a long letter written to Mrs. Allaway from Duren, in Germany, and was signed "Your loving husband, Tom." Confronted with this letter, Allaway instantly realised its significance. He denied that it was his handwriting, and declared that a comrade had written it for him because, at the time it was written, he was suffering from an injury to his wrist caused by a backfire when starting his lorry engine. With astute cunning he gave the name of a man who had one name in the Army and another name in civil life. Yet the police found the man in Birmingham, and his evidence gave the lie to Allaway.

Meanwhile Allaway had been brought before the Bournemouth magistrates on the charges of stealing the cheque forms from Mr. Sutton, and also of forging and uttering three cheques at Boscombe, and he was remanded. The Director of Public Prosecutions was made aware of the evidence which pointed to Allaway as the murderer of Miss Wilkins, and the documents which had come into the possession of the police were submitted to a handwriting expert, Mr. Gerald Francis Gurrin.

The evidence of stealing the cheques and of forging and uttering was conclusive against Allaway, and, had those been the only charges against him, he could scarcely have done other than plead guilty to them at the Assizes. Indeed, he admitted to the police, not only that he had forged the cheques which he cashed in Boscombe, but also that he had disposed of others in London.

Miss Sutton proved that he did not report for duty at his usual time on Friday, the 21st of April, 1922. She also proved that the cheque-book had been taken from a room which Allaway had no right to enter, but which he could have gone to without being seen, had he chosen.

The three Boscombe tradesmen who were defrauded by the forged cheques each said they knew Allaway as Mr. Sutton's

chauffeur, and so considered the cheques were genuine. A confectioner named Parry let him have £8 on a cheque made out for £10. The manager of a provision shop let him have goods and £9 13s. on another £10 cheque, and at another shop, with a cheque for a similar amount, he got £5. In this case, as in the first, it was understood that he would call in the morning for the balance. Needless to say, he did not turn up.

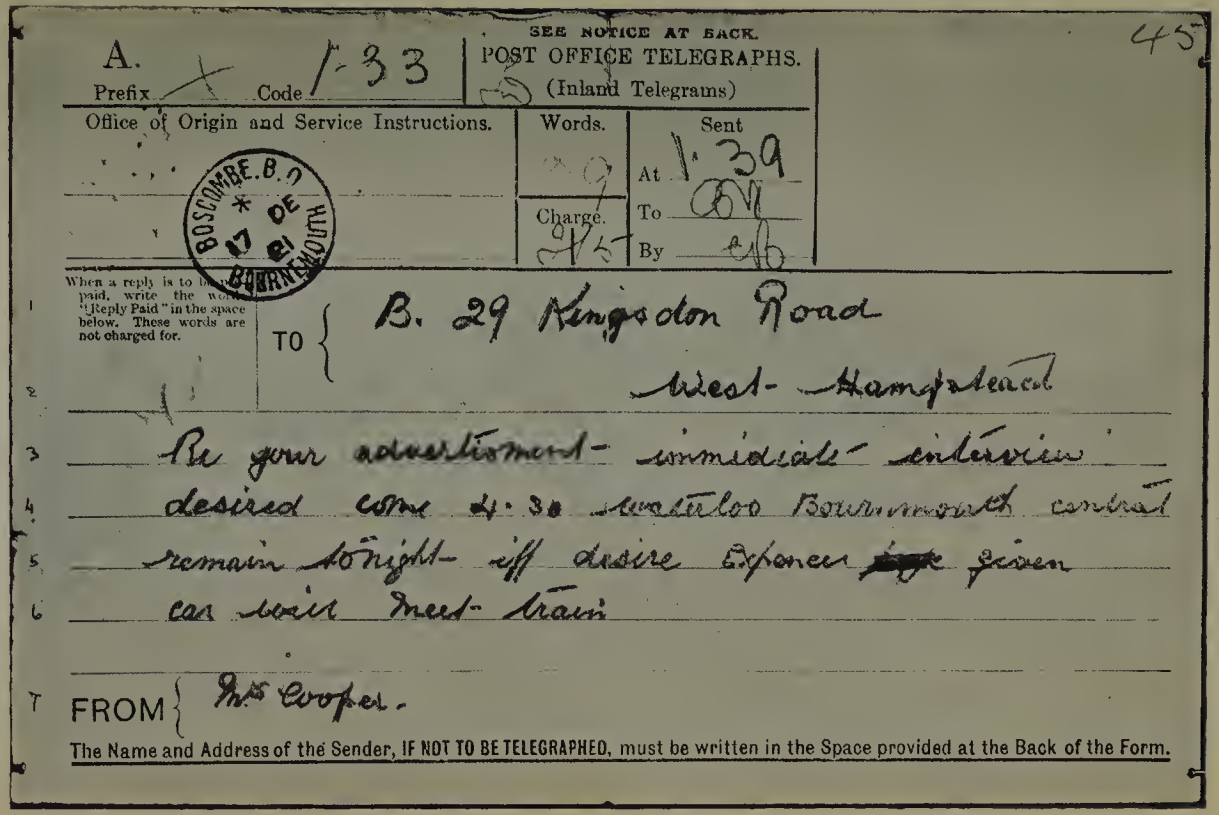
On these charges he was remanded to Winchester Prison.

Having got their hands upon a suspect, it was the task of the police to prove him guilty of the murder of Miss Wilkins —if they could. Although they themselves were satisfied they had the right man, their work was far from completed; it had, in fact, only just begun.

As criminologists know, it is one thing to be quite positive in one's own mind of the guilt of a suspect, but it is quite another to convince twelve members of a jury of that guilt. In so grave a charge as murder, everything must be proved, as the saying is, up to the hilt.

To begin with, who was Allaway? He was only known in Bournemouth as a chauffeur, of a dour disposition, at times surly. At the time of the murder he was living with his wife and child in two rooms in Haviland Road, Boscombe, quite close to the Portman Mews Garage, where his employer's car was regularly kept. His wages were normal for a chauffeur of his experience, but he was in the habit of frequenting public houses and clubs in the evenings, and he was given to making bets on horse races; his money was insufficient to allow a margin for these indulgences. He was so short of money in the month before the murder that his wife put some goods in pawn to get money to buy him clothing.

In appearance, Allaway was stolid and robust; about medium height, but squarely and rather heavily built. The square appearance of his frame continued into his face, his mouth having this characteristic very noticeably. At times



45

A.

Prefix X Code 1-33

SEE NOTICE AT BACK.

POST OFFICE TELEGRAPHS.

(Inland Telegrams)

Office of Origin and Service Instructions.

Words. 29

Charge. 2/5

Sent At 1.39 To [illegible] By [illegible]

BOSCOMBE. B.O. * 17 DE 21 BOURNEMOUTH

When a reply is to be paid, write the word "Reply Paid" in the space below. These words are not charged for.

TO { B. 29 Kingsdon Road
West Hampstead

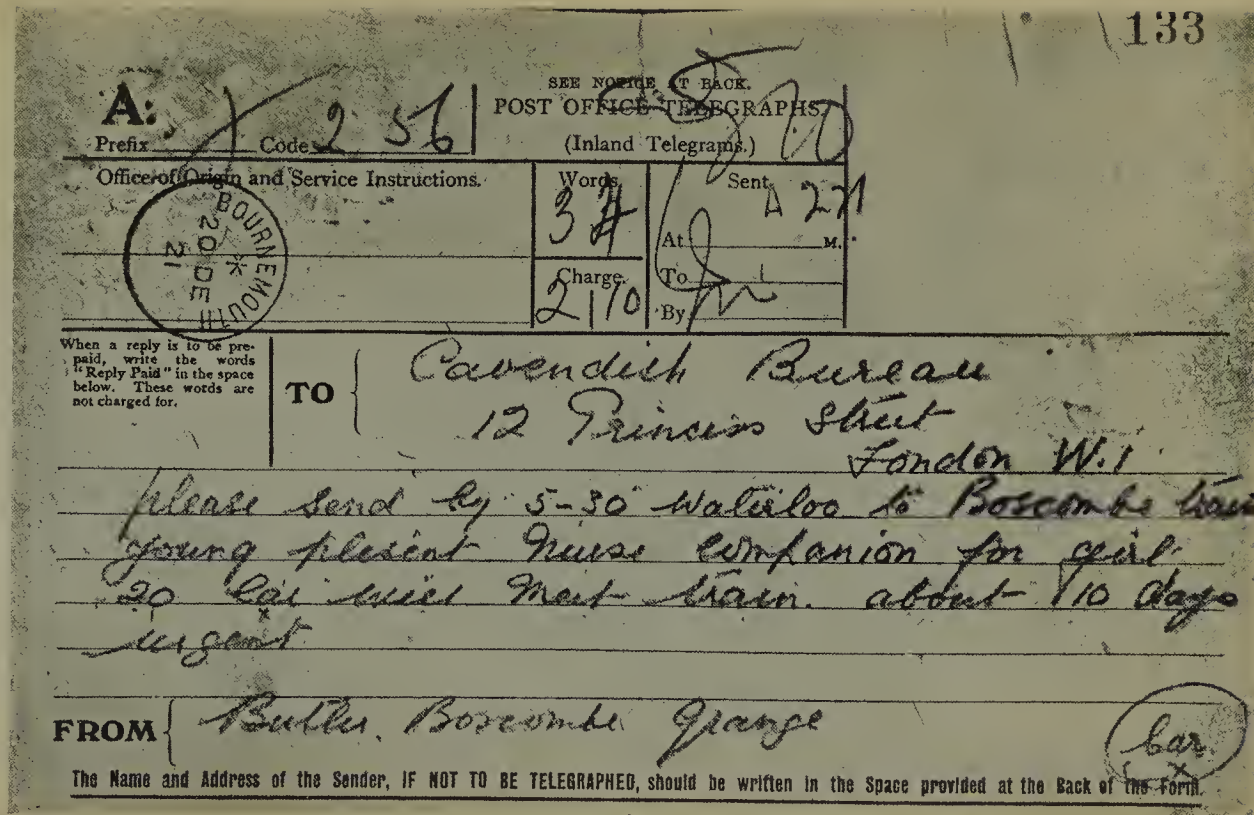
Re your advertisment immediate interview
desired come 4.30 waterloo Bournmouth contrat
remain tonight iff desire Expences ~~[illegible]~~ given
car will meet train

FROM { Mrs Cooper.

The Name and Address of the Sender, IF NOT TO BE TELEGRAPHED, must be written in the Space provided at the Back of the Form.

I. THE TELEGRAM OF DECEMBER 17.

[Face p. 16.



133

A: Prefix Code 2 56

SEE NOTICE AT BACK.
POST OFFICE TELEGRAPHS.
(Inland Telegrams.)

Office of Origin and Service Instructions.

BOURNEMOUTH 20 DE 21

Words 34

Charge 2/10

Sent A 27

At M.

To

By

When a reply is to be prepaid, write the words "Reply Paid" in the space below. These words are not charged for.

TO { Cavendish Bureau
12 Princess Street
London W.1

please send by 5-30 Waterloo to Boscombe train young pleasant nurse companion for girl 20 car will meet train about 10 days urgent

FROM { Butler. Boscombe Grange

Car

The Name and Address of the Sender, IF NOT TO BE TELEGRAPHED, should be written in the Space provided at the Back of the Form.

2. THE TELEGRAM OF DECEMBER 20.

[Face p. 17.

during his trial a brutal expression showed in his face, but it passed quickly, leaving a dense look, which made him appear slow witted. But, during the whole proceedings, it was evident to a close observer that he was anything but dull or slow witted. He was keenly alert to the importance of every point in the evidence, and, when giving evidence himself, the way in which he shifted his ground to evade dangerous conclusions, was of great interest from the psychological, as well as the criminal, aspect.

Allaway's antecedents were soon established. A Londoner, belonging to Kilburn, he had married a Reading woman in 1913. They had one child, a girl of seven. He had served in the Army before the war, and, in August, 1914, he was called to his unit in the Mechanical Transport of the Royal Army Service Corps.

In 1916, seizing a chance when he was temporarily in England, he deserted, and got a position as a tram conductor under the L.C.C., working in the Ealing district. While in this post he committed an offence for which a warrant was issued, but, before it could be executed by the Metropolitan police, he disappeared from London.

He had merely run down to Reading, presumably to hide at his wife's home, but the Reading police were too alert for him, and he was arrested for desertion. He was promptly handed over to the military authorities, and as promptly despatched to France, where his services as a lorry driver were urgently needed. He continued in the Service until some time after the Armistice, and was in the Army of Occupation on the Rhine. Demobilised in 1919, he obtained a post as chauffeur to a Mr. Sutton, an elderly gentleman, in Reading. Mr. Sutton lived for a short time in London, then at St. Andrews, Scotland, finally going to reside at Bournemouth about October, 1921. Allaway accompanied him to each place.

The car Allaway had to drive for Mr. Sutton was a

Mercédes, of German make, and, by 1921, becoming very scarce in England. This car was a very important factor in the case.

The work of the police in preparing the case against Allaway began with the decoy telegram sent to Miss Wilkins about 10.30 on the morning of the 22nd of December. It was regarded as certain that whoever sent that telegram was either himself the murderer, or an accomplice. It was also assumed that whoever wrote the telegram to Miss Wilkins also wrote the telegrams which were sent from Bournemouth on the 20th of December, and from Boscombe on the 17th of December, with the same obvious intention in each case—of inducing some woman to come to Bournemouth from a distance for some unlawful purpose.

The first question was: Could any postal official identify the sender of either of the three telegrams? And, if so, would the natural handwriting of the individual identified prove to be the same as that on the telegrams? Another question was: Could any newsagent in the district remember selling a *Morning Post* to any particular individual on the 22nd of December? This was, of course, a very slight chance, for the writer of the telegram might have seen a copy of that paper at the Boscombe Public Reading Room, which is almost next door to the Boscombe Post Office.

On the 6th of May, a week after he had been brought back to Bournemouth, Allaway was put up for identification. A parade was arranged by Superintendent Garrett, some nine or ten chauffeurs and taxi-men being brought in for the purpose, all dressed in their normal driving dress. Allaway was allowed to place himself wherever he pleased in the line of men. A number of possible witnesses attended the parade.

One of these was a newsagent named Samways, who remembered that a man, dressed as a chauffeur, bought a copy of the *Morning Post* at his shop about 10 o'clock on the morning of the 22nd of December. Another was a man named

Da Costa, who was in Samways' shop at the time the man came in and bought the paper. At the identification parade Samways picked Allaway out at once as the man who had bought the copy of the *Morning Post* on the 22nd of December, and Da Costa picked him out at the second attempt.

Some postal witnesses were brought down to the parade, among them the three girl counter clerks who had received the decoy telegrams. Miss Emmeline Barnes, who received the telegram which was sent to the murdered woman, utterly failed to pick out anyone. Miss Lilian Diplock, who took the first telegram, first picked out a man very like the prisoner, and then, at a second attempt, she picked out Allaway.

The identification by Miss Alice Frances Waters, who took the second of the three telegrams at the Bournemouth Post Office, was most convincing. In the telegram the word "car" was written so badly that it looked like "ear." When she took it in she queried the word, and the individual handing it in replied: "Car—car will meet." She wrote the word "car" in the corner of the telegram, and ringed it for the operator's instruction. At the same time she had taken note of the wording of the telegram, thinking it was just the place that her younger sister was looking for at that time. Glancing up at the sender, the thought passed through her mind: "The chauffeur is sending off the wire for the mistress." This impressed the circumstance on her mind. She also remembered that the man had a voice with a peculiarly rough intonation.

Coming to the identification parade, Miss Waters picked Allaway out immediately. She then asked that each man in the row should repeat the words "Car—car will meet," while she stood with her back to the row, listening. All down the row each man in turn repeated the words. Unknown to her, Allaway had shifted his position in the row, yet, the instant the words were out of his mouth, she exclaimed: "That is the man." It was an identification by ear as well as by eye.

Allaway was thus connected, more or less definitely, with the first and second telegrams. He was declared by two witnesses to have purchased a *Morning Post* on the day of the murder. It is true that the receiver of the first telegram, Miss Diplock, was not very positive about her identification, but she said she believed Allaway was the man who handed her the telegram on the 17th. The inference was left that if indeed it was he who handed in the first two telegrams it was likely that he was concerned in the third.

There was a question whether Allaway could have handed in the fatal telegram of the 22nd. It was coded by the receiver as having been handed in at 10.17. Allaway, in his defence, contended he could not have handed it in. He declared that two days before the murder his time to arrive at his employer's house for duty was changed from 10.30 to 10 a.m., and that on the morning of the 22nd of December he was at Barton Close, Southbourne, Mr. Sutton's residence, over two miles away.

At the trial this alibi concerning the handing in the telegram to Miss Wilkins was demolished by Mrs. Sutton, who said that Allaway's time to arrive at Barton Close remained at 10.30 a.m. until the end of January, 1922, when it was altered to 10 a.m. To go from the Boscombe Post Office to Barton Close in his car would take less than ten minutes. It was therefore possible for him to have handed in the telegram and been on duty at Barton Close at 10.30.

But, assuming that it was indeed Allaway who handed in the decoy telegrams, was it his hand which wrote them? Was he acting for some other person, or was he the sole culprit?

Looking at the three telegrams critically, it was obvious that the writer had a set style, although illiterate. There were letters, even words, in all three which closely agreed. The word "London" in the second and third telegrams tallied exactly. The capital *M* in all three began with a curious twirl. The

capital *B*, which appeared twice in the first, four times in the second, and twice in the third, was the same in every instance save one. The small letter *g* in all three documents was strikingly alike, and so also was the capital letter *W*. The word "car" in the text of each telegram looked like "ear." In the first telegram the word "if" was spelt "iff"; in the second, "pleasant" was spelt "plesent"; in the first and third the word "expense" was spelt "expence."

It is a small matter, but it is worthy of consideration, when pondering the motive of the crime, to note that the cost of the telegrams was respectively 2s. 5d., 2s. 10d., and 2s. 2d. Persons in the class to which Allaway belonged invariably aim at keeping their telegraphic messages as near to a shilling as possible. It is a matter of surprise that a man with his small wage of something over £2 per week should, within three or four days, spend 7s. 5d. on telegrams. What was he going to get out of it?

A point of importance was discovered in regard to the third telegram. It was signed "Wood, Beech House." It was, of course, never intended that a reply should be delivered anywhere, and, as has been noted earlier, Miss Wilkins' telegram of reply could not be delivered and was returned to Streatham. But her telegram was actually taken to Beech Hurst, Beechwood Avenue, Boscombe. At that house Mr. Sutton's son, an invalid, was then living. Allaway had often driven Mr. Sutton to that house. The inference was pressed home during the trial.

Was Allaway the writer of the three telegrams? The police had now in their possession seven post-cards and a long letter, all purporting to have been written by Allaway *before* the murder. Superintendent Garrett now secured from the local taxation office the application for a renewal of his driving licence dated the 31st of October, 1921. He also had a letter written by Allaway on the 4th of April, 1922, to a firm in Bournemouth, but written without suspicion.

Immediately after the identification parade on the 6th of May, Superintendent Garrett asked Allaway if he would care to make a statement concerning his movements on the night of the murder. This request placed Allaway on the horns of a dilemma. He was astute enough to realise that if he refused to say anything it would be likely to tell against him with a jury. It would be better to make a statement. But how? Should he write it or make it by word of mouth? He did not know what evidence the police had against him, and no doubt he felt impelled to make a statement of some sort.

If he were, in fact, guilty of the crime, or of complicity in it, even if not a principal, obviously his statement would have to be concocted, a work of fiction. And, if concocted, the lies in it would have to be very carefully told lest the police prove them to be lies, and his case be thereby much worsened. If, then, he was to make a statement, how should he make it? If he wrote it, there would be the necessity of disguising the handwriting, if, indeed, his was the hand which wrote the decoy telegrams. On the other hand, if he gave a statement *viva voce* he would be at the mercy of the officer who would take it down, and of the officer, or officers, who might question him, and so he might be tripped into saying more than was safe, or he might have his phrases twisted in the way they were set down. Better to sit down quietly, and work slowly with the pen, if the thing had to be built up as a bit of fiction, and, in that case, the handwriting must be disguised. So Allaway decided, and so he endeavoured to write.

It was a grave tactical blunder. The police might, conceivably, have proved him guilty, even if he had decided to say or write nothing. His written statement made their task easier.

A guilty person dare say scarcely anything, except the truth, without implicating himself in some way or other. It was so with Allaway. His statement told against him in two ways. It provided the police with some definite allegations which

they were able to test and disprove, and it gave them a cogent piece of handwriting which went far to convince the jury of his guilt.

The statement placed Allaway alone in his lodgings from about 7.30 until 8.15. It was exactly the period within which the police considered the murder was committed. Excepting for this remarkable asseveration, the statement was made up of details so ordinary that they might have occurred on any evening, and, for that matter, probably did occur in Allaway's life five nights in every week. Yet wherever in the statement he alleged that he had spoken with particular individuals at specific times on that evening, he was proved, later, to be lying.

The most damning feature about the statement was the handwriting itself. It began in an upright style, with evident endeavour to disguise the natural hand. A skilled penman might have kept up this disguised hand throughout a statement much longer than this one. Not so Allaway. He was not skilled with the pen, and he was far from clever enough to maintain either the upright style or the altered formation of some of his characters.

Careful scrutiny of the document shows not only that he soon relapsed into his normal slanting hand, but that he reverted to his normal way of forming his letters.

Later, he was invited to write out each of the telegrams from dictation. An earlier essay of his at the selfsame task had somehow been lost. When he was questioned by Sergeant Ellis in January he had written out the telegrams, also from dictation, using the mudguard of his car as a writing-table. Now, as in January, he was extremely careful to preserve an upright style, shading at times almost into backward writing.

But there was more at issue than the handwriting. In writing down the first telegram he repeated one of the spelling errors, omitting the medial *e* from the word "advertisement."

This was perhaps not of first-rate importance, for many people would be prone to fall into so simple an error. But in the second telegram he made the much rarer error of spelling the word "pleasant" "plesent"—exactly as in the original. In the third he spelt "Thirlmere" "Thirlemar." In the original it was spelt "Thirlmear." This last error, of course, was comparatively negligible.

With all his care and effort at disguise, the strong resemblance between his formation of the word "London" in the second and third telegrams, and the appearance of the same word in the originals, was very significant. The close resemblance was obvious to the most casual eye.

But, even supposing that Allaway wrote the telegrams and sent them off, the prosecution were still a long way from proving that his was the hand that did the murder. There were other questions arising. Was Allaway at Bournemouth Central Railway Station, with his employer's car, on the evening of the murder? Did he drive Miss Wilkins away from that station? Did he take her to Tuckton that evening in Mr. Sutton's Mercedes? Or did he take her to some house, and there leave her to the mercy of someone else? Or was the car housed all the while at the Portman Mews Garage? And was Allaway drinking at the Salisbury Hotel from shortly after 8 until closing time? Who threw Miss Wilkins' attaché case, with purse and papers, into the bushes at Branksome Park? All these questions called for an answer, and some of them had perforce to be answered positively before Allaway could be convicted of the murder.

Take the first question: Was Allaway at Bournemouth Central Railway Station about 7 o'clock that evening. Two people were prepared to say he was. A signalman named Nash at 6.35 that evening saw a dark grey car standing in the up line approach, in a place where cars do not normally stand. The driver asked Nash where the 4.30 out of Waterloo would arrive, a superfluous question for a chauffeur who had been

so long in Bournemouth as Allaway, and who had driven his people so often to and from that station.

Nash directed the man to the down approach, and he turned his car and went in that direction. Nash attended the identification parade on the 6th of May and definitely picked Allaway out as the man who had the dark grey car in the up line approach on the evening of the 22nd of December.

The motor car designer, Humphris, was prepared to swear that he saw a dark car in the down line approach just after he left the 4.30 train, by which he had travelled down from Waterloo; that with the car was a man resembling Allaway; and that when this man drove out of the down line approach in the dark car he had beside him a young woman wearing the hat which had been found near the body at Tuckton.

Humphris' story was that as he got out of the train he noticed a young woman asking a porter if that was Bournemouth. Being told it was, she got out of the train and followed behind Humphris in the queue leaving the platform. He took notice of her hat, which was of brown suede, with a band of red leather threaded through slots cut in the crown, the two ends crossing in an untied bow on the left side.

He came out of the station, looking for his own car, which was not there, and making a dive to save some papers which blew away from a pile just outside the entrance, he nearly collided with a man who was standing by a dark car in the shadow. He walked on towards the Holdenhurst Road, and a few minutes later, just before he got to the beginning of the station approach, the dark car passed him. The lady with the suede hat was sitting beside the driver. They were both silhouetted to his view against the wall which runs along the south side of the approach. He was prepared to swear that the car was a Mercedes, and he was sure he could identify the particular car, because of a very usefully designed luggage grid at the back, a feature which pleased him so much that he

resolved to include one of similar design in a car he was then at work upon.

On Wednesday, the 4th of January, when about to leave for London by an early morning train from Bournemouth Central, Humphris again saw the same car, and he recognised the driver as the same as had been sitting beside the lady with the suede hat at 7.10 on the evening of the 22nd of December. He had no time then to deal with the matter further than to ask his son to note the number of the car. The son wrote the number down on an empty match-box, LK 7405. Humphris was prepared to swear that the driver of the car was Allaway on each occasion.

A commercial traveller, named Gribble, and his father-in-law, named Richards, were waiting in the down line approach at 7 o'clock on the evening of the 22nd of December when their attention was attracted by a car which was driven in and parked next to theirs. Neither of them had seen a car like it before. They discussed what make it might be, and then they each tried to read the name of the make on the hub-cap. But the hub-cap was upside down, and, moreover, it had a dent which made the lettering on it less decipherable. When they were shown Mr. Sutton's car, after Allaway's arrest, they each identified it as the same car they had seen and discussed on the evening of the 22nd of December, and they positively recognised the dented hub-cap.

Two witnesses, then, were prepared to swear they had seen Allaway, or someone very like him, at Bournemouth Central Railway Station about 7 o'clock on the night of the murder. Two others were prepared to swear positively that they saw Mr. Sutton's car there at that time.

Allaway took up the position that neither he nor the car were there. He declared he put the car into the garage at Portman Mews just before 6 o'clock, and did not take it out again that night. As for himself, he was in the Boscombe Conservative Club from 6.45 until 7.30, or thereabouts.

But, even assuming that Allaway had driven Miss Wilkins away from Bournemouth Central Railway Station, as Humphris was prepared to swear he did, what further evidence was there to prove that he was the individual who took her to Tuckton and there murdered her? May he not have handed her over, in good health, to some other person, garaging his car, and washing his hands of the whole affair before anything more sinister happened?

There was the evidence left by the one car that passed along Seafield Road on the night of the murder, the tyre marks which were seen by Police Constable Chiverton shortly after 8 o'clock next morning. Those tyre marks were clearly made by Dunlop Magnum tyres running on the back wheels. The car itself had a wheel-base of 4 ft. 5 in. from centre to centre. This proved to be the exact wheel-base of Mr. Sutton's car.

On the morning of the 24th of December—that is, the day after the discovery of the murder, and after there had been a statement in the Press that the police were interested in cars and their tyres—Allaway was seen in the Portman Mews changing one of the back tyres or wheels of his car, replacing a Dunlop Magnum by a Michelin. Accordingly, when seen by the police early in January, the car was running on two very worn Dunlops in front and a Dunlop Magnum and a Michelin behind. Asked whether he had changed either of his tyres since the 21st of December, he declared he had not.

At his trial, Allaway was severely pressed upon this point when under cross-examination, and, after some quibbling, he was driven to admit he changed one of the *wheels*.

In Allaway's defence it was sought to set up an alibi for Mr. Sutton's car. Witnesses were prepared to swear it was in the garage all the evening.

There were six spaces for cars at the back of the premises, spaces which were closed by sliding doors which could be locked. In front of the sliding doors was a roofed-over space which at night was used to house some horse-drawn vehicles,

vans, and old cabs. It was contended that Mr. Sutton's car was locked in its space all that evening, and that it could not have been taken out without the knowledge of the proprietor of the garage or his son.

But one of the police witnesses was prepared to swear positively that he was in and out of the garage several times on the evening of the 22nd of December, and Mr. Sutton's car was not there then.

If the car was out, who but Allaway would be driving it? If it was out, was it driven to Tuckton on that evening? Was it not the car which stopped in the road opposite the gap leading to the body? If, in fact, it was at Tuckton that evening, the inference was strong that Allaway was there with it, and, if there, possibly concerned in the murder.

There remained the matter of the attaché case, missing when the body was found and discovered nine days later at Branksome Park. Had Allaway anything to do with that?

Mrs. Sutton, wife of Allaway's employer, had a sister living at La Chaumine, Branksome Park, an area rather thickly wooded, and with many rhododendron bushes between the trees. Except for the roadways and the scattered houses, the place retained much of its natural wildness, unfenced.

On the 23rd of December, the day after the murder, Allaway was ordered by his mistress to drive her to La Chaumine. He did so, arriving there just at dusk. Mrs. Sutton stayed to the tea party which her sister had arranged, and an hour and a half elapsed before she left. All this time Allaway had been waiting in the car outside. It was in a clump of rhododendron bushes just opposite, and within a few yards of the entrance of La Chaumine, that Miss Wilkins' attaché case was found. The date when Allaway drove Mrs. Sutton there was fixed by details in a diary which her sister kept. It was a circumstance of the utmost importance.

The condition of the attaché case when found was consistent with its having lain there at least a week.

A number of circumstances, therefore, were pointing to Allaway as the culprit. He was indicated as the man who bought a *Morning Post* in Boscombe about half an hour before a telegram was sent from the Boscome Post Office in answer to an advertisement in that paper, a telegram which brought the victim to Bournemouth. He was identified as the driver who, in a Mercedes car, drove away from Bournemouth Central Railway Station a young woman who had travelled by the 4.30 train from Waterloo, and who wore a hat exactly like that worn by Miss Wilkins when she left Streatham earlier in the day. He was identified, both by appearance and voice, as the man who had handed in one of the three decoy telegrams, and he was declared to resemble the man who handed in the first. His natural handwriting closely resembled the handwriting of all three telegrams. The car he was driving had been running on tyres which corresponded with the track of a car found in the roadway close by the body. And, immediately after the murder, his duties took him to the west of the town and left him for an hour and a half within a few yards of the spot where, later, the murdered woman's attaché case was found. Allaway's answer to the inference raised by all these circumstances was: "I know nothing about it; I was not there," and in his statement he placed himself, at the probable time of the murder, in his own rooms—alone.

Many of his friends, not being aware of the strength of the case against him, were convinced by his denials of his innocence. Even those who were disposed to think he might have had some part in the crime pictured him as being, at the most, an accomplice to the extent of driving the victim and the actual murderer from the Central Railway Station to the fatal spot. The idea that the crime was the work of some wealthy roué, sadist, or blood maniac, became an obsession of some people who were following the case with breathless interest. Daily some sensational arrest was expected. There were even some who revived the remembrance of a startling case, some thirty

years before, when no less a person than the Chairman of the Bournemouth Bench of Magistrates was arrested, convicted, and sentenced for an unnameable offence.

But the police knew their man. They felt assured that if he had been merely the tool of some wealthy individual he would promptly squeal to save his own neck. Nevertheless, the absence of any proof of motive, such as would connect Allaway with the crime, was an asset in his defence.

What was the motive for the crime? It was not the business of the prosecution to suggest one. The fact that Miss Wilkins' attaché case had been taken and rifled of all money, and then thrown away with all the papers it had contained, suggested robbery as a possible motive. It might be conjectured that a man in Allaway's position, and with his habits, was chronically short of money, and from that it could be deduced that he might have thought it worth while to decoy a young woman to Bournemouth for the purposes of robbery. He might have calculated that a young woman of the middle class would not make the journey from London to Bournemouth without bringing with her at least £5, and probably more.

The idea that this murder was committed for the sake of £5 seems preposterous. But murder has often been committed for less. Not many years before a sailor was hanged in the same execution shed as Allaway for murder, a sum of 4s. 7d. being involved. Two years after Allaway's execution a young man murdered a boy at Alton for 12s., and suffered on the same scaffold.

But, assuming that Miss Wilkins was decoyed to Bournemouth for the purpose of robbery, it is unlikely that her assailant at the outset meditated murder. He probably hoped to rob, with violence if necessary, but without being recognised sufficiently to be identified later.

Was the motive sexual lust? It is significant that there was no preliminary attempt to obtain a photograph of the intended victim. Was it sheer blood lust, murder for its own sake, the

deliberate aim of some cold-blooded criminal? Or did the assailant, embarked upon some crime of violence, suddenly realise that, in order to save himself from the consequences, he must make it impossible for his victim to give evidence against him?

It was the private belief of Superintendent Garrett and the officers associated with him in the case that the motive was lust. But instantly the problem arises: Why should the perpetrator go to the trouble, and expense, of fetching a woman over a hundred miles for such a purpose, possibly an unprepossessing person? There were women to be had in Bournemouth.

The answer seems to be along these lines: Allaway was a syphilitic patient. Although partially cured, he had what is known as "syphilitic throat," causing the huskiness of voice which Miss Waters, the postal clerk, had noticed to such purpose. If he were resolved upon some promiscuous sexual intercourse, he was equally resolved not to run the risk of contracting a second dose of the disease which had caused him so much suffering. He would be on the safe side, and choose a woman of the better class as the object of his desire. If the crime of rape had to be committed, it would but add to the zest of the chase. He could take his victim to a lonely spot, overcome her resistance by brute force, if cajolery would not serve, and then, his purpose served, he would leave her to her own resources. He may have calculated that an innocent girl, thus overborne in a locality where she was unknown, would be too frightened, too horrified and ashamed, to make complaint; or, if she did, that she would be unable to recognise her assailant again, having only seen him in the darkness of a winter's night. The evidence of those who saw him and his car at Bournemouth Central Railway Station just before the murder goes to show that he was taking all the care possible that neither he nor his car should be seen in full light.

This is the police theory of Allaway's approach to the crime. Not at the outset a murderer by intent, although a lustful

ruffian, prepared to go to extreme violence to achieve his purpose. Why, then, did he murder his victim by ferocious blows, which punctured her skull as though it had been paper?

Reconstructing the crime along the lines of greatest probability, it is likely that Allaway drove to the lonely spot at Tuckton which he had previously selected as being suitable for his purpose. In driving Mr. and Mrs. Sutton about the district he had several times gone past that spot. In working out the plan of his crime, assuming only that he was bent on rape, it is unlikely that he would have forgotten to fix upon a place to which to take his victim.

Taking it for granted, then, that he had marked the spot, it is, of course, certain that he knew the most direct route there. If he went there without delay he would have arrived at the corner of Seafield Road and Tuckton Lane by about 7.30. What happened when he stopped the car there is very little evidence upon which to build, but there is some.

It may be assumed that, on stopping the car, he began his vile overtures to his victim, whether still in the car or outside is impossible to determine. It may be that he expected a weak protest and an easy submission. If so, he reckoned without the strength and resource of the trapped girl. Miss Wilkins had served in the Women's Army Auxiliary Corps, the members of which were taught a drastic method of repelling an assault by a lustful man.

There is reason to believe that, in her desperation, she resorted to this defence. Allaway's complaint, immediately after the murder, that he was not well was quite possibly true. His lustful assault may have met with a determined counter-assault upon an extremely sensitive part of his body; and it may have been the after-effects of this resistance by his victim which made him cry off work for two or three days.

What happened when his victim resisted to such purpose is not difficult to picture. Infuriated by baffled lust and physical

SEE NOTICE AT BACK.

A.

Prefix _____ Code _____

POST OFFICE TELEGRAPHS.
(Inland Telegrams)

No. of Telegram _____

For Postage Stamps.
To be affixed by the Sender.
Any Stamp for which there is not room here should be affixed at the back of this form.

12 words, including the words in the address, 1/-. Every additional word 1d.
(Sunday telegrams 6d. extra).

Office of Origin and Service Instructions.

Words.

Charge.

Sent
At _____ M.
To _____
By _____

When a reply is to be prepaid, write the words "Reply Paid" in the space below.

TO { Cavendish ~~[illegible]~~ Barscu
12 Princess Street
London W. 1

please send by 5-30 Waterloo to Boscombe
train young plesent nurse companion
for girl 20 Car will meet train about 10
days urgent

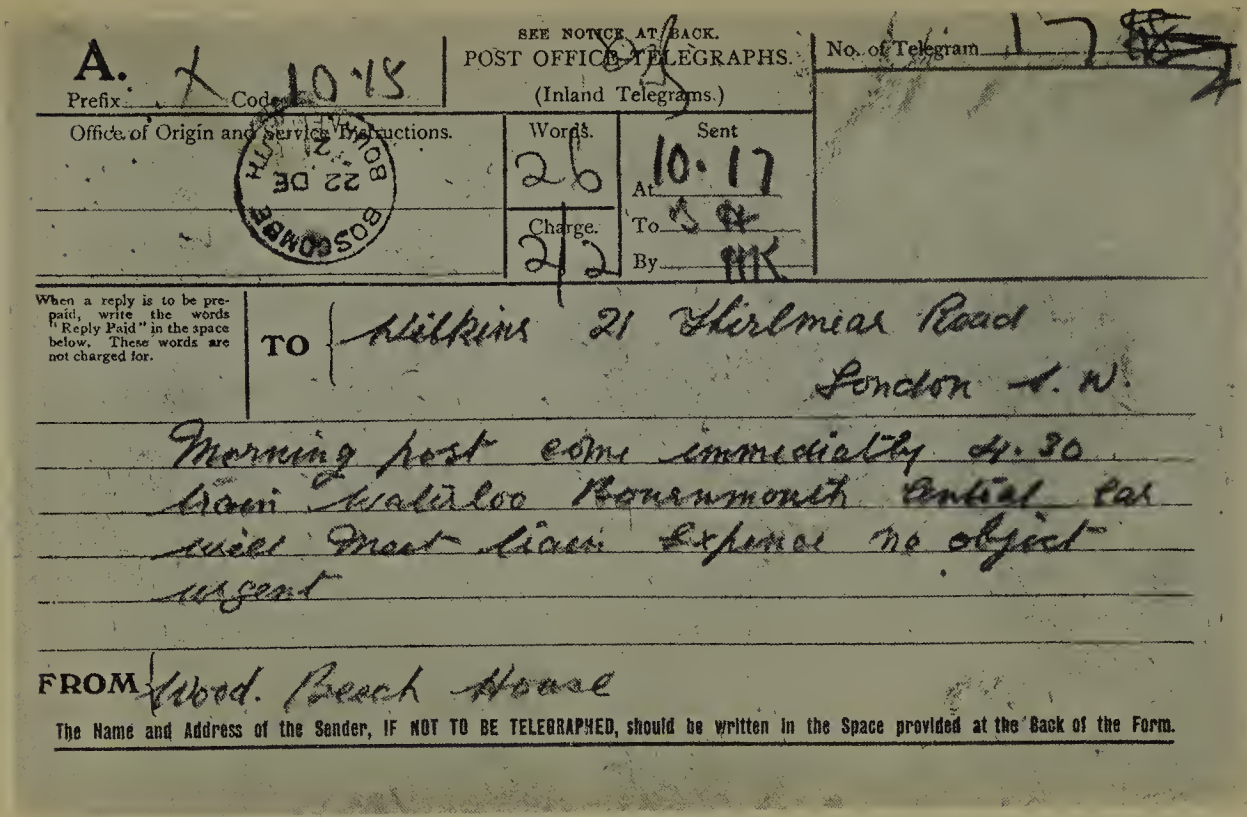
FROM { Butler Boscombe Grange.

The Name and Address of the Sender, **If not to be Telegraphed**, should be written in the Space provided at the Back of the Form

COPY OF TELEGRAM NO. 2, WRITTEN BY ALLAWAY IN POLICE CUSTODY.

(N.B.—The attempt at disguised handwriting and "plesent" spelt as in No. 2.)

[*Face p.* 33.



A.

Prefix X Code 10·15

SEE NOTICE AT BACK.

POST OFFICE TELEGRAPHS.

(Inland Telegrams.)

No. of Telegram 17

Office of Origin and Service Instructions.

BOSCOMBE 22 DE 21 BOURNEMOUTH

Words. 26

Charge. 2/2

Sent At 10·17 To [illegible] By [illegible]

When a reply is to be prepaid, write the words "Reply Paid" in the space below. These words are not charged for.

TO Wilkins 21 Thirlmear Road London S.W.

Morning post come immediatly 4.30 train Waterloo Bournmouth Central car will meet train Expence no object urgent

FROM Wood. Beech House

The Name and Address of the Sender, IF NOT TO BE TELEGRAPHED, should be written in the Space provided at the Back of the Form.

3. THE FATAL TELEGRAM SENT TO MISS WILKINS.

[Face p. 32.

agony, the ruffian felled the poor girl with a blow of his fist, delivered between the eyes with all the force of a trained boxer who knew how to put all his weight of 11 stones behind the blow. He then dealt her three blows with a heavy instrument, any of which would have been fatal.

Where, actually, did the murder take place? It seems most probable that the blow with the fist was struck when the pair were on the footpath. If the first overtures were made in the car, it is certain the girl would use every effort to get out, and, if possible, escape from her companion. With her practical mind, it is also likely that she made an effort to get a view of the number plate of the car, thereby to fix the identity of this stranger who was making such repulsive suggestions to her. If she did, it would have helped to seal her fate.

Assuming that she was knocked down on the footpath between the car and the waste ground, the evidence seems to point to the fact that the killing blows were not dealt her there. Clearly, she was dragged from the footpath, through the strands of the wire fence, and through the gap in the gorse, to the spot where she was found next morning. She was pulled backwards, probably by hands placed under her armpits.

The blood spots along the course her body was dragged led some to think the killing blows were delivered at some other spot than that where the body was found. A clairvoyant even suggested that they were given by a heavy poker in a house, the interior of which was described in some detail. The actual evidence at the place where the body was found, and on the body itself, entirely negatives such a fanciful hypothesis.

The trail of blood from the footpath to the body could be entirely accounted for by the first smashing blow of the assailant's fist. This would have caused the girl's nose to bleed profusely, more than enough to account for the blood splashes on the path, grass, gorse, and on the handle of the umbrella which was left propped against the wire fence.

It seems extremely unlikely that she ever regained an erect

position after having been knocked down by the blow with the fist. Had she remained on her feet there must have been a considerable amount of blood down the front of her dress, yet there was so little, in actual fact, as to call for remark by the police surgeon.

Either being possessed with fury at his victim turning upon him, as has been suggested, or his sex lust turning to blood lust, or being suddenly filled with fear lest, if she should live, she would bring him to justice, the murderer took from his car a heavy steel screw hammer, such as is used to move the largest nuts on a motor car, and with two blows delivered sabre-wise, and one downward blow, he completed his crime. Each blow—on the right cheek, by the ear; on the point of the left cheek-bone; and on the forehead where the hair began—punctured the skull with a double wound. The two points of the open jaws of the screw hammer left their marks, the upper, projecting beyond the lower, penetrating correspondingly deeper.

Horrible, and incredible as it may seem to a normal mind, the condition of the body and clothing when found indicated that the murderer intended to pursue his lustful desires upon the unconscious girl, although whether before the killing blows were administered, or after, it is impossible to say. But something intervened, and he fled from the spot, his purpose unfulfilled.

Was it because he heard someone approaching and feared discovery? It is remarkable that the evidence of a witness called for the defence exactly fits in here, save for some discrepancy of time, which may be accounted for by the ease with which even well-intentioned witnesses make slips in this matter.

A postman, named Elkins, living in the Seafield Road, went out that evening to move some goats to fresh pasturage. The goats were tethered along the grass-grown roadside, not very far from the spot where the body was found. Elkins put the

time at which he went out to move the goats at 8.15. He saw an empty motor car standing with dimmed lights near the corner of Seafield Road. He was occupied with his goats for half an hour or so. The car was still there, where he had first seen it, when he went home, the time then being, according to him, 8.45 or 9.

This evidence, which was brought by the defence to assist in Allaway's alibi, was only of use to Allaway if the time was accurate, and if the rest of his alibi was sound—that is, if he could be positively proved to have been in the Salisbury Hotel at Boscombe not later than 8.15 that night. As it turned out, his alibi in this matter of time was not at all convincing. That being so, it was left as a possibility that he might have been in Seafield Road as late as 8.45. Or there was the possibility that Elkins might have been quite honestly mistaken as to the time when he came out and went home.

But, the question of time apart, Elkins' evidence fitted in exactly with the hypothesis of the crime as set out above. It may well be that, gazing with lustful eyes through the dim light of the stars at the unconscious body of his victim, the murderer was startled to hear footsteps in the roadway near. He can be imagined, crouching in fear behind the gorse bushes, waiting with impatience for the departure of the intruder; then, the coast clear, his frantic dash from the scene, and his haste to begin the preparation of the alibi which was to be his line of defence should suspicion fasten upon him. He could have driven from the spot to his garage in less than six minutes. Travelling at an average of 18 m.p.h. in the same car, Superintendent Garrett made the time between the two points 6 minutes 20 seconds. But it is extremely unlikely that the murderer would have been content with so low a speed as 18 m.p.h. when flying from the scene of his crime. But, even so, he could have garaged his car and been in the Salisbury Hotel before 9 o'clock.

It seems likely that Allaway did not discover until the next

day that in his car he had Miss Wilkins' attaché case. It was a dangerous possession. His alarm must have been acute when the early editions of the daily papers announced the discovery of the body, and, later in the day, the fact that her attaché case was missing. No doubt he made up his mind to get rid of the incriminating case at the earliest possible moment, and certainly before any third person should see it in his possession.

His chance came that very afternoon. His mistress, Mrs. Sutton, directed him to drive her in the car to her sister's house, La Chaumine, at Branksome Park. As has been noted earlier, it was within a few yards of the entrance of this house that the case was found.

After Allaway's flight, there was found in his flat at 29, Windsor Road, Boscombe, a heavy screw hammer, the jaws of which corresponded exactly with the wounds in the skull of the murdered girl—that is, in size and shape.

Another discovery, made by his successor in the flat and in Mr. Sutton's employ, was of a padlock key. This was found on the floor of the flat, and was found to unlock quite easily the lock on the sliding door at the Portman Mews Garage. This tended to rebut the contention that once the garage was locked up by the proprietor Allaway could not have taken the car out or put it in without using the proprietor's key.

The trial began at the Hampshire Summer Assizes, at the Castle of Winchester, on Monday, the 3rd of July, 1922. Mr. Justice Avory was the judge. Mr. Thos. W. H. Inskip, K.C., M.P., led for the Crown, and with him was Mr. Percival Clarke. Mr. Pearce instructed from the office of the Director of Public Prosecutions.

Allaway was defended (by public subscription) by Mr. A. C. Fox Davies, of the Home Circuit and the Old Bailey; Mr. Samuel Dachies, of the Northern Circuit; and Mr. E. Anthony Hawke, of the Western Circuit.

The trial lasted five days, concluding about 5.30 on Friday, the 7th of July, in the conviction and sentence of the accused.

Forty-three witnesses were called by the prosecution, and eighteen by the defence.

The interest of the public in the trial was intense. Large crowds sought admission each day to the public gallery. But at the luncheon interval each day the police arranged that those who had been listening to the case in the morning were not allowed to return in the afternoon, and their places were taken by others. Thus, there were very few indeed of the public who could say that they had heard the case from start to finish, if indeed there were any who could make that boast.

No women were called to serve on the jury. The make-up of the jury was very representative of the county. Two jurymen came from Winchester, one from the Isle of Wight, and others from Andover, Longparish, Farnborough, New Forest, Romsey, Southsea, Lymington, and Ringwood, the last named being the nearest to the place of the crime.

The trial was marked by no unusual incident, save that on two or three occasions the judge saw reason to admonish the defence. Once he criticised Mr. Lawman, the defending solicitor, for speaking to witnesses just before they entered the witness box. He stopped Mr. Fox Davies in his address to the jury for referring to other criminal cases which had nothing to do with the case in hand. Mr. Fox Davies protested that he had often referred to other cases before other judges. Mr. Justice Avory quietly, but firmly retorted: "I can quite believe it; but you will not do it before me."

Allaway's defence, as has been stated, was an alibi, for himself, and for his car. It was necessary, if the alibi was to be convincing, to fix times as nearly as possible, not only for the movements of Allaway and the car, but also the time when the murder took place. The prosecution suggested 7.30 to 8.30 as the probable time within which it was committed. The defence argued from the damp condition of the clothing, and from Elkins' evidence, that it took place later.

Allaway's own story was that on the evening of the murder

he left his lodgings about 6.30 and went to the Conservative Club in Ashley Road, Boscombe, where he remained from about 6.45 until 7.30 or a little later; that he then left the Club and went to his lodgings, buying an evening paper on the way. He declared he was in his lodgings, alone, reading this paper, until 8 or a little later. He also said he spoke to his landlord before he went out again to go to the Salisbury Hotel, which he reached about 8.15. There he remained until closing time.

Witnesses from the hotel staff agreed that it was Allaway's custom to visit the Salisbury Hotel every evening, and they were agreed, further, that on this particular evening he was "a little later than usual."

Other witnesses said they saw Allaway at the Salisbury Hotel that night, but they all put his arrival at 8 or after. One put it as "after half-past eight."

The value of the alibi evidence was discounted in every witness by the fact that, though very positive about the details of the 22nd of December, they could say nothing about the doings of Allaway on any other night taken at random.

The alibi for the car rested entirely upon the evidence of the garage proprietor and his son. They declared that Allaway brought his car into the garage just after 6 o'clock on the night of the 22nd of December, and that it was not taken out again that evening. In cross-examination they admitted that that was the customary happening.

In rebuttal of this evidence a tea salesman, whose vans were housed at the Portman Mews, said he was in and about the mews three separate times on the evening of the 22nd of December, and on neither occasion did he see Mr. Sutton's car there.

The value of all the alibi evidence was negligible. As far as it referred to Allaway's movements it was too late in time to cover the probable time of the murder.

At the Court of Criminal Appeal additional evidence was called by special permission. This was a vain attempt to clinch

the alibi. A woman declared that she saw Allaway pass her shop in Ashley Road, Boscombe, between 7 and 7.30 on the 22nd of December. But she was not sufficiently convincing that it was indeed the 22nd of December, and not some other evening, that she saw Allaway pass.

There was one factor which must have had great weight with the jury, a factor appearing neither on the depositions nor on the shorthand note. That was the demeanour and facial expression of Allaway at one crucial period of his cross-examination. He was being questioned concerning the letter to Mrs. Allaway written from Duren in Germany. He strove to deny that it was his hand which wrote the letter. He was trying, as the Judge phrased it in his summing-up, to deny the undeniable. Then suddenly it was as though he realised that his lying was futile. He stood flushed and tongue-tied, wearing the unmistakable expression of unmasked guilt. It was a dramatic moment. There was an almost palpable stillness throughout the Court as though everyone present was pondering the awful significance of the accused man's silence. From that moment there was never any doubt what the verdict of the jury would be.

The Judge's summing-up of the case lasted two and a half hours. It was a masterly presentation of the facts, conveyed in a restrained, passionless manner. It showed how inexorably the proved facts pointed to the accused man as the murderer. Not a point in the case was left untouched, and the case for the defence was set out in as good a light as might be. As the Lord Chief Justice observed when dismissing Allaway's appeal later, there was absolutely nothing in the summing-up to which the least objection could be taken.

The jury were absent just an hour. When they returned their verdict of "guilty" surprised no one, probably not even the doomed man standing sullenly between two warders in the dock. The bitterness of death was upon him, so that when the Clerk of Assize put to him the time-honoured phrase, "Have

you anything to urge, or know you of anything why the Court should not give you judgment of death according to law," he utterly failed to hear what was said to him. His throat moved spasmodically, as though he were gasping for breath. At last he managed to ejaculate in a low voice: "I beg your pardon, I did not quite catch the words you said."

They were repeated, and then, after a deep breath, as though summoning up all his resources, he said: "I am innocent of this crime, absolutely."

Pronouncing judgment of death, while Allaway stood with face suffused almost purple with either fear or fury, the Judge used a striking phrase. He said: "The jury . . . have found you guilty of a foul and brutal murder. Such a verdict can be followed only by one judgment, that you also shall die."

Allaway was at once removed, but, at the head of the stairs leading to the cells below, he turned and cast at the Judge a look of concentrated malevolence as revealed for a fraction of time the brutal soul within him. He then disappeared, only to be seen again in public at the Court of Criminal Appeal, where his fruitless appeal was dismissed.

During the three months Allaway was in prison he maintained a remarkable composure. Up to the time of his conviction his attitude was one of seeming indifference. He appeared unshakenly confident that no jury would convict him. He steadily put on weight, so that at his execution he was ten pounds heavier than when admitted to prison in May. He ate and slept like a man without care.

Not until a day or two before his execution did his resolution falter, and then, realising there was no hope of a reprieve, he made a confession of his guilt to the Governor of the prison. His fortitude broke down the day before he was executed, when he was visited by his wife and brother, but even then he maintained to them his innocence of the crime for which he was to suffer.

To those who saw him walk to the scaffold on the morning

of the 19th of August, 1922, Allaway appeared sullen and dejected, and yet possessing some of that resolution which had characterised him throughout his imprisonment.

The execution, carried out by Ellis and an assistant, was so speedy that the chance occurred for an unusual happening. Whether in the hasty adjustment of the noose it was wrongly placed, or whether the little strand of silk, which should hold it in place until the full weight of the culprit is upon the rope, was too strong for its purpose and so pulled the noose round, cannot be said. The fact remains that death was not instantaneous. The noose shifted, so that the knot was not under the ear, and Allaway died from strangulation instead of a dislocated vertebra.

At the subsequent inquest the prison doctor, asked by the coroner whether death was instantaneous, replied: "Almost so."

Thus, precisely eight months from the day on which he sent the first of the decoy telegrams, Allaway went to his death.

COUNTY OF SOUTHAMPTON

SUMMER ASSIZES AND GENERAL GAOL DELIVERY

3RD TO 7TH DAYS OF JULY, 1922

BEFORE

THE HON. SIR HORACE EDMUND AVORY, KNIGHT

REX

v.

THOMAS HENRY ALLAWAY

36, Chauffeur

CHARGE: MURDER

FIRST DAY'S HEARING

(*July* 3, 1922.)

THE ARRAIGNMENT

THE CLERK OF ASSIZE: Thomas Henry Allaway, you stand indicted that you, on the 22nd of December, 1921, at Bournemouth in this county, did kill and murder Irene May Wilkins. How say you, Thomas Henry Allaway, are you guilty, or not guilty?

PRISONER: Not guilty.

The prisoner was given the usual right of challenge, but it was not used.

Mr. INSKIP, in opening the case for the Crown, said that the story began with the discovery of the dead body of a young woman in a lonely spot at Southbourne, near Bournemouth, on the early morning of Friday, the 23rd of December, 1921. That body was afterwards identified as that of Miss Irene Wilkins, who had left her home at Thirlmere Road, Streatham, about 3 o'clock on the afternoon of the previous day, to go to Bournemouth by the 4.30 train from Waterloo. All the circumstances pointed to murder. Of that murder, as the jury had heard, the prisoner Allaway stood charged. Possibly some of the jury had taken an interest in the case before; they had no doubt read the reports which had appeared in the public Press, but he would ask them to dismiss from their minds completely any preconceived ideas which the reading of those reports had occasioned, and so be able to do their duty according to their oaths, and find a verdict upon the evidence which would be placed before them, and upon that evidence alone.

Miss Wilkins had been trained as a lady cook, and, being

out of a post, she caused an advertisement to appear in the *Morning Post* on the morning of the 22nd of December, 1921. In response to that advertisement she received a telegram, handed in at the Boscombe Post Office, in these terms: "*Morning Post.* Come immediately 4.30 train Waterloo. Car will meet train. Expense no object. Urgent. Wood, Beech House, Bournemouth." Sending a telegram in response, saying she would come down to Bournemouth, Miss Wilkins left her home shortly after 3 o'clock, and, it was presumed, travelled down to Bournemouth by the 4.30 train. Soon after she had gone the Post Office authorities returned to her home the telegram she had sent to "Wood, Beech House, Bournemouth," intimating that no such address could be found. There was evidence that Miss Wilkins reached Bournemouth, for a motor engineer named Humphris would say he saw a young woman answering her description leave the train when it arrived at 7.3, and he would say, further, that he saw her a few minutes later being driven away from the station in a car which he would describe minutely, and with a driver whom he would say was the prisoner. Other witnesses would say they saw the same car at the station immediately before the arrival of the train at 7.3.

The story moved to the following morning, when the dead body of Miss Wilkins was found in a field almost exactly three miles as the crow flies from Bournemouth Central Railway Station. There were terrible injuries to the head, evidently inflicted by some heavy instrument. The police were speedily on the spot, and among the discoveries they made was the fact that in the roadway was a track of a motor car running on Dunlop Magnum tyres, with a wheel base of 4 ft. 6 in., approximately. There were definite signs that the car had stopped at the spot opposite where the body was found. (Counsel here handed to the jury photographs showing the body as it lay in the field, and the road.)

On the 31st of December the attaché case which Miss

Wilkins had taken with her from Streatham, and which was missing when her body was found, was discovered at Branksome Park, at the other end of Bournemouth. It was mildewed and had evidently been there some days. Counsel invited the jury to notice the evidence identifying the prisoner and the car at Bournemouth Central Station on the evening of the 22nd of December. The car was a Mercedes car of 1914 date, German made, with a wheel base of 4 ft. 6 in. It belonged to a Mr. Sutton, for whom Allaway had acted as chauffeur. Mrs. Sutton, wife of the owner of the car, had a sister living at a house in Branksome Park exactly opposite the spot where the attaché case was found. Mrs. Sutton would say she visited her sister, being driven over there by Allaway, on the 23rd of December, the day after the murder. There was another singular point, unimportant in itself, but perhaps important when considered in conjunction with other facts, and that was that young Mr. Sutton, son of the owner of the car, lived at Beech Hurst, Beechwood Avenue, Bournemouth, and it was perhaps remarkable that the telegram sent by Miss Wilkins to Wood, Beech House, was actually taken to young Mr. Sutton's house, and the jury might possibly think it an explanation why the telegram sent from the Boscombe Post Office was addressed from Wood, Beech House.

The witness who would say he saw Miss Wilkins driven away from Bournemouth Central Station on the night of the 22nd of December, would say that on the 4th of January he saw the same car again on the up approach of the same station, and he secured the number, LK 7405, which was that of Mr. Sutton's car, and he again recognised the driver as the one who was sitting beside Miss Wilkins on the night of the 22nd of December, that driver being the prisoner.

Counsel then spoke of the discovery by the police soon after the murder of the fact that two telegrams had been sent, one from Boscombe and the other from Bournemouth, inviting girls down to Bournemouth. The first was sent on the 17th and the

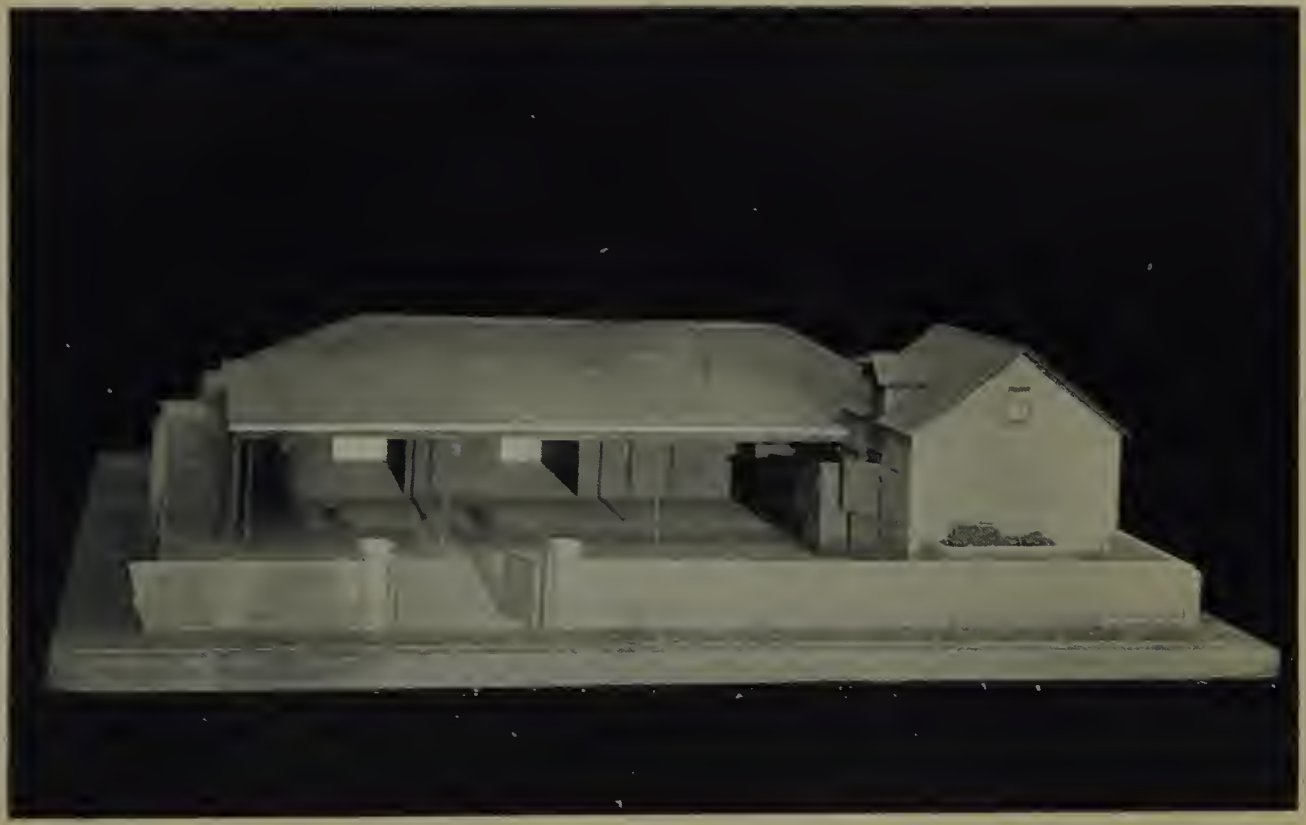
second on the 20th of December. Those telegrams would be of very great importance as throwing a light upon the handwriting of the telegram sent from Boscombe to Miss Wilkins. It would be contended by the prosecution that all three telegrams were written by one and the same hand. Was that hand the prisoner's? The jury would be shown specimens of the prisoner's handwriting, both before and after the murder, and it would be for the jury to say whether there was such close resemblance between that known handwriting and that of the telegrams as to satisfy them that the telegrams were in fact written by the prisoner. Counsel suggested that prisoner altered the slope of his handwriting immediately after the murder, so that whereas he had before written in a style definitely sloping forward, afterwards he endeavoured to write in an upright style. The jury would notice that in the long written statement which the prisoner made immediately after his arrest the handwriting began in an upright style, but, as the statement progressed, it dropped back into the style customary with the prisoner before the murder. There was, in addition, a letter which has been discovered in the prisoner's lodgings, addressed to "Dearest May" (the name of the prisoner's wife), and signed, "your ever loving husband, Tom." The jury would note the close resemblance between the handwriting of that letter and that of the telegrams. But the prisoner denied that that letter was in his handwriting. It would be for the jury to say what they thought about it when they looked at it in relation to all the other documents which would be put before them.

It would be sought to prove that a man, strongly resembling the prisoner, bought a *Morning Post* from a Boscombe newsagent on the morning of the 22nd of December, and the newsagent would say that to the best of his belief it was the prisoner. It would also be proved that the prisoner was seen changing one of the tyres of his car on a day or so after the discovery of the murder. He was also away from work for two

[*E. E. Pragnell, Bournemouth.*

THE SCENE OF THE CRIME.

[*Face p.* 48.



[*J. B. Critchison, Boscombe.*

MODEL OF THE GARAGE PRODUCED IN COURT.

[*Face p.* 49.

or three days after the murder, the reason he gave being sickness, but it was suggested by the prosecution that the reason was that the police were at that time stopping every car in the district to see what tyres it was running on.

Dealing with the possible time of the murder, counsel said that if the car conveying Miss Wilkins from the Bournemouth Central Station had gone on a fairly direct route to the spot where her body was found it might have reached there by about 7.20, going at a moderate pace. Allowing half an hour at the spot, the car could have been driven home to the mews where it was garaged within ten minutes—that is, it could have been safely inside the garage by 8 o'clock. It was the theory of the prosecution that the murder took place sometime between 7.15 and 8 p.m.

Concluding his speech, counsel said that many of the points which would be brought out in the course of the trial might be small, but, when taken in conjunction with a number of other facts which pointed the same way, they would become important. He suggested that there would be proved many small facts all pointing to the prisoner as the murderer, and, after hearing all the evidence, both for the Crown and the prisoner, if they were satisfied that he was indeed the murderer, it would be their duty to find him guilty of the crime with which he stood charged.

Professional witnesses were first called.

William Hector Mackenzie, civil engineer in the employ of the Bournemouth Corporation, produced a 25-inch scale map of Bournemouth, upon which he had marked places which would be referred to in the course of the trial.

Reginald Hartridge, a civil engineer in the employ of the London and South-Western Railway Company, produced a plan which he had himself prepared of the Bournemouth Central Railway Station and its approaches.

Ernest Edward Pragnell, a photographer, of Boscombe, produced photographs which he had taken of the body of Irene May Wilkins as it lay in the field where it was discovered on the morning of the 23rd of December; also of the site, and of the wheel tracks in the Seafield Road; also of a Mercedes motor car, No. LK 7405.

Charles Dales, of Nelson Road, Bournemouth, meteorological registrar for Bournemouth, produced a record of the rainfall at Nelson Road. He said there was ·17 of an inch up till 5 o'clock on the evening of the 22nd of December, and after that time there was no more rain in that area until the 24th of December. On the evening of the 22nd of December there was rather a strong wind, averaging about fifteen miles per hour. His records were taken near County Gates, about five or six miles from the site of the murder.

Witnesses to facts concerning the crime itself were now called.

CHARLES NICKLEN, examined by Mr. Clarke:

Your name is Charles Nicklen, and you are a labourer, residing at Tuckton Lane?—Yes.

Where is that?—New Southbourne.

Were you in the neighbourhood of Iford Lane and Seafield Road in the early morning of the 23rd of December?—Yes.

What did you notice?—Two cows nosing at something.

What time was this?—Just before half-past 7 in the morning.

When you noticed the cows what did you do?—I went to look at what they were looking at.

What did you see?—I got over into the field, and in the left-hand corner I saw a woman lying on her back. I ascertained that she was dead before I went to give the alarm.

Charles Nicklen.

Was the body, when you felt it, cold or warm?—Cold.

The JUDGE: How far from the hedge was the body?—About a yard from the wire fence.

Did you see any blood upon her?—Her face was covered with blood and bruises.

What did you do?—I went out to the Waterworks, and sent somebody for the police.

Were you there when P.C. Chiverton arrived?—Yes, as soon as I sent for the police I went back to the place to see nobody interfered with it.

And was the body in the same place, and in the same condition, as when you left it?—Yes.

Does that photograph represent the condition and position of the body as you saw it?—Yes.

The JUDGE: I should like to ask you whether there are bushes outside the wire fence?—Yes, my lord; there are bushes inside and outside the wire fence.

Cross-examined by Mr. Fox DAVIES: Did you feel her clothes?—I never felt her clothes. I only touched her with two fingers to make sure she was dead.

Did you notice whether her clothes were wet?—I did not notice. I did not touch her. I cannot tell at all whether they were wet or dry.

Did you notice whether the gorse was damp?—No, I did not. I did not touch that.

NOEL HARRY WILKINS, examined by Mr. INSKIP:

You live at 21, Thirlmere Road, Streatham?—Yes.

Was Miss Irene May Wilkins your sister?—Yes.

How old was she at the time of her death?—Within a few days of thirty-one years.

So far as you know, had she any friends or acquaintances in Bournemouth?—None whatever.

Noel Harry Wilkins.

Did you know she was looking for a situation?—Yes, I knew that.

Did you, on the 23rd of December, go down to Bournemouth and see your sister's body?—Yes.

GLADYS MARY WILKINS, examined by Mr. CLARKE:

Do you live at 21, Thirlmere Road, Streatham, and was Miss Irene May Wilkins your sister?—Yes.

In December last was she seeking a situation?—Yes.

Will you look at exhibit 1 and tell me if it is in her handwriting?—Yes.

And the draft advertisement?—Yes, all in her handwriting.

The JUDGE: That is the letter to the *Morning Post.*

Mr. CLARKE: Yes, my lord; it is dated the 20th of December, 1921.

On the 22nd of December were you at home when a telegram arrived for your sister?—No, I arrived soon after.

Was she in?—I was not, and she was not.

Did you open it and read it?—Yes.

Look at exhibit 8. Was it in those terms?—Yes.

What became of the copy which was sent to her?—She took it with her.

> (Exhibit 8 read: "*Morning Post.* Come immediately 4.30 train Waterloo, Bournmouth Central. Car will meet train. Expence no object. Urgent. Wood, Beech House.)

Did she send any reply to that telegram, do you know?—Yes.

To Wood, Beech House?—Yes.

And to catch the 4.30 train at Waterloo, about 3 o'clock did your sister start out from your house?—Yes.

Gladys Mary Wilkins.

Did she take any things with her?—Yes, a small attaché case.

Look at exhibit 5. Is that the attaché case she took with her?—Yes, that is the one.

Do you remember, did she take an umbrella with her?—Yes.

Is that it (exhibit 3)?—Yes.

Would you know the hat she was wearing?—Yes.

Is that it (exhibit 4)?—Yes.

What is it made of?—Dark brown suede.

Are these ribbons of silk?—No, suede of a different colour.

And they are plaited through?—Threaded through.

After she had gone, did you receive at your house from the post office a note of the non-delivery of the telegram to "Wood, Beech House"?—Yes.

ARTHUR WILLIAM CAREY PALMER, examined by Mr. INSKIP:

Witness said he was an advertisement clerk in the office of the *Morning Post,* and he produced the original letter and advertisement sent by Miss Wilkins. He also produced a copy of the *Morning Post* for the 20th of December, 1921, which contained an advertisement of the Cavendish Bureau for the employment of servants and nurses.

ALBERT SAMWAYS, examined by Mr. CLARKE:

Are you a tobacconist and newsagent carrying on your business at 266a, Christchurch Road, Boscombe?—Yes.

Were you serving in your shop a few days before Christmas last?—Yes.

Do you recollect any person buying a *Morning Post?*—I do.

What date was that—can you tell us?—On the 21st or 22nd of December.

Albert Samways.

Was the person who bought it a man, woman, or child?—He was a chauffeur.

Have you seen him since?—Yes, I saw him on the 6th of May at the identification parade at Bournemouth Police Station.

Did you pick him out from others?—Yes, I believe him to be the man; the prisoner is the man.

Did you have any conversation at all on the 21st or 22nd of December with the chauffeur who bought the *Morning Post?*—Yes; he asked me where he might obtain a shave, and I told him round the corner.

The JUDGE: What time was this?—It was about 9.15 in the morning, as near as I can judge.

What did he do?—He went to the doorstep, opened the *Morning Post,* and read it.

Did you hear any other conversation?—One of my other customers said to him: "Are you going to pick a winner?" To which remark I took exception, and told him of it. He was speaking to the chauffeur.

The JUDGE: To the man you now identify as the prisoner?—Yes, my lord.

How long did he remain on your doorstep reading the *Morning Post?*—About a minute, and then he went away.

Cross-examined by Mr. FOX DAVIES: How far is your shop from the Haviland Road?—It is the next street; quite a short distance.

Your father is in the same business?—My father assists me in it.

Have you and he any fixed times for being on duty?—I am ordinarily away at breakfast from 8 till 10.

Was there any particular reason why you were there that morning?—Yes, my father was unwell.

Ordinarily, if anyone bought a paper at your shop between those hours your father would attend to him?—Yes.

Albert Samways.

If Allaway says he has bought a paper at your shop since October, every morning, is that possible?—Yes, that is a possibility.

It is a possibility that you had not seen him?—Yes.

How long was your father away ill?—He was not away, but I was anxious about him, and I returned early on these two days, the 21st and 22nd.

I put it to you that you are mistaken in identifying Allaway as the man who bought the *Morning Post,* what he bought was an *Express?*—No, I am positive he bought a *Morning Post.*

What was the earliest date on which you gave information to the police?—A week later.

Did you give a description of the man?—I did.

What made you say he was a chauffeur?—Because of his dress, which was a dark uniform; that is all I remember.

Had he a chauffeur's cap?—Yes.

And overcoat?—Yes.

How long was he in the shop? I suppose he only tossed down his twopence, picked up the paper and went out?—No, he stopped a while because I could not find the *Post.*

Did you look at him?—I was obliged to because he was leaning on a pile of papers, and I was going to ask him to move.

You only say you believe him to be the man who bought the *Morning Post?*—Yes.

You do not go farther than that?—No.

Because it was such a short time he was there, and it is nearly six months ago?—That is so.

Had you seen him about in Bournemouth in the interval?—Not at all.

Did you give information to the police about two men?—Yes.

Can you give a description of the other man?—He was a man of Jewish appearance.

Albert Samways.

Did he also buy a *Morning Post?*—He did.

The JUDGE: The same day?—The Monday before, my lord.

That would be the 19th?—Yes.

Was he also in chauffeur's uniform?—He had on an old suit. He was not in chauffeur's uniform.

Why did you think he was not a chauffeur?—Because what he was wearing was too old.

Had he a peaked cap?—Yes, but it was dirty and ill-fitting.

About what age was he?—About 35 or 40.

About the same age as the prisoner?—No, he was considerably older looking than the prisoner.

How many *Morning Posts* did you sell on these days?—I only had two.

Did you sell them?—Yes.

The JUDGE: What date are you speaking of?—I had no returns all that week.

The JUDGE: That means you sold two *Morning Posts* each morning that week?—Yes, my lord.

Did you sell them to the same people?—Of that I have no idea. I do not remember.

Did the man who asked for a barber require a shave?—Yes.

So that he looked dirty, like the other man?—His boots were clean, and he had a smarter appearance.

Had either of them got a trilby hat on?—No.

I think you were interviewed by a number of diligent newspaper correspondents?—Yes, a considerable number of them.

Did not you tell them that one of these men had two or three days' growth of hair on his face?—What I said was that he appeared to have two or three days' growth of beard because his face was dirty; but I was well aware he did not. His face was dirty, and it made him look worse than he really was.

He wanted a shave badly?—He was dirty, and he wanted a shave.

Albert Samways.

Now, speaking about Allaway, you saw his boots were clean?—Yes, they were polished.

When you were at this identification parade you had some doubt, had you not, at first?—The first man I stopped at was Allaway, and, knowing it was a matter of life and death to him, I had another look. I wanted to make sure. Then I saw that the man next to him was very much like him.

And you asked for these two men to be brought out?—Yes, I did.

You hesitated between them?—Yes, I did, for a while.

And all you will say now is that you believe him to be the man?—Yes, I honestly believe him to be the man.

WILLIAM LLOYD DA COSTA, examined by Mr. INSKIP:

Are you a licensed victualler?—Yes.

Do you remember being in Mr. Samways' shop one morning before Christmas?—Yes.

What day was it?—I do not know, but it was a few days before Christmas, and as I had a little extra business on I was there earlier than usual, somewhere between 9 and quarter past 10.

Did somebody come in and buy a paper?—Yes, the prisoner that I identified.

The JUDGE: What paper was it he bought, do you know?—The *Morning Post.*

Did you hear anybody in the shop say anything in the prisoner's hearing?—Yes, I heard the remark passed, Was he going to pick a winner out.

Was anything else said than that?—No, but I thought it was a remarkable thing that anybody was going to pick a winner out of the *Morning Post,* and so I looked at the man.

When next, after that, did you see the man?—At the police

William Lloyd da Costa.

station on the 6th of May, when he was with about a dozen other men.

Did you recognise the prisoner?—Not the first time. I did not give the row a proper examination to pick him out the first time. I went along the row a second time and picked him out.

Cross-examined by Mr. Fox Davies: At any rate, you do not pretend that he was the first person that you picked out without hesitation?—No.

Did Mr. Samways remind you of this?—No.

I suggest that this matter was talked about in his shop, and Mr. Samways reminded you of it?—I do not remember whether he reminded me or I reminded him.

ARCHIBALD ERNEST EUSTACE, examined by Mr. Clarke.

Sorting clerk and telegraphist, employed at the Bournemouth Post Office, produced three original telegrams, exhibits 6, 7, and 8, dated respectively the 17th of December, the 20th of December, and the 22nd of December.

Cross-examined by Mr. Fox Davies: What is the time that the one of the 20th was sent? Is it not 4.22?—2.21 I think it is.

I suggest to you it is 4.22?—I think not.

The Judge: Is it not plain it is 2.21?—I think so, my lord.

What does "Code 2.56" mean?—That is the time it is handed in.

If it is handed in at 2.56 it could not be sent at 2.21?—Obviously it is a mistake.

One or other of these is wrong?—Yes.

But the code is the time it is handed in?—Yes.

MISS CLARA EMMELINE BARNES, examined by Mr. INSKIP:

Are you in the General Post Office at Bournemouth?—Yes.

On the 22nd of December last were you in the Boscombe Post Office in the morning?—Yes.

Do you recognise exhibit 8?—Yes, I do.

What time is that telegram marked as having been handed in?—At 10.15.

And sent?—At 10.17.

Have you any recollection as to the person who handed it in?—None whatever.

HENRY JAMES NASH, examined by Mr. CLARKE:

Are you a signalman in the service of the London and South-Western Railway Company, employed at the Bournemouth Central Railway Station?—Yes.

Were you there on the evening of the 22nd of December last?—Yes.

About what time?—About 6.35 p.m.

Where were you?—On the up side approach to the Central Station.

Did anybody speak to you?—Yes.

Was he walking or riding?—He was in charge of a car.

The JUDGE: Was he driving it?—No, it was stationary, but he was sitting in the driver's seat.

Was it an open car?—It appeared to be a closed-in car.

Did he say anything to you?—Yes, he asked me which side the 4.30 p.m. from Waterloo would arrive.

Would you know him again?—Yes, I see him now in custody.

The JUDGE: You mean the prisoner?—Yes, my lord.

What did you say to him?—I told him to go over to the road and take the first turning to the right, which would be

Henry James Nash.

the down side approach. He went in the direction I indicated, and I watched him turn into the down side approach.

Did you notice the colour of the car?—It appeared to be a dark grey, to the best I could see.

And was the 4.30 p.m. from Waterloo due to arrive there at 6.45?—That is correct.

Do you know what time it did, in fact, arrive?—At 7.3 p.m.

When did you next see that man?—At the Bournemouth Police Station in May of this year.

Was he by himself?—He was in a line with some other men.

Did you pick him out at once?—No, but I did at the second attempt. I touched another man like him at first.

Cross-examined by Mr. Fox Davies: Were you on duty?—I was off duty, but I was going to the station on business.

When did you give information to the police?—Very shortly afterwards.

The Judge: How soon after?—Two or three days, I believe.

You were not very sure about the man, and only identified him at the second attempt?—Yes.

Had you given a description of him to the police?—Yes. I said he was of military appearance, dressed as a chauffeur, and clean-shaven.

You had given no details to the police about the car?—No.

And you said at the police court that you did not do it because you were not quite certain?—Yes.

Why is it you are now certain about the car?—Because it came to my memory; it flashed across my mind.

So that originally you were not very certain about the man and you were not very certain about the car?—I was certain about the man.

Was the man sitting under a cover?—Yes, the cover appeared to be partly over.

So you would not have a very good opportunity of seeing him?—Yes.

Henry James Nash.

Was there any light inside the car?—No.

What light was there?—There was a lamp-post in front of the car. The car was standing between Candy's lock-up building and the lamp-post. That is a company's lamp. There is a corporation lamp on the other side of the road.

Do you remember what colour clothes this driver was wearing?—He was dressed in dark-coloured clothes.

Did the cover of the car come over the windscreen?—Yes.

Did you at any time give any information to the police about the car?—Yes, I did at the police station in May.

And you had had the number of the car from December till May?—I told them I did not take the number of the car; I told them it appeared to be a dark grey four-seater, that is all I could say.

Did you see a photograph of Allaway at any time?—Yes, I saw one in the *Sunday Pictorial* of May 7th.

What day did you identify him?—May the 15th.

So that you did not identify him until after you saw that photograph?—I said the description answered very closely to the man that spoke to me in the up side approach on the night of the 22nd of December. I recognised him as the man who spoke to me.

So you never attempted to identify him until you had seen this photograph?—No.

Re-examined by Mr. Inskip: Do you remember what you were doing on the up side approach on the evening of the 22nd of December?—Yes, I was going to receive my wages. I receive them every Thursday.

FRANK HUMPHRIS, examined by Mr. Inskip:

Do you live at Parkwood Road, Boscombe?—Yes.

What is your profession?—Consulting engineer and designer.

Frank Humphris.

On the 22nd of December of last year did you come down from London to Bournemouth by train?—Yes, by the 4.30 from Waterloo.

Had you a motor car?—As a matter of fact, I had three.

Were you expecting one to meet you?—Yes.

Did you leave the train at Bournemouth Central?—Yes.

Was your attention attracted by anyone else who got out of the train?—My attention was attracted to a lady who got out of the train.

How was she dressed?—She had a suede hat of light chocolate brown colour, with red insertion going round the top of the hat, and crossed flat at the ends, in the form of an untied bow on the left side. She wore a dark brown coat, and was carrying an attaché case.

Did you see her speak to anyone?—Yes, to a railway official.

How near were you to her?—About two yards away.

Did you notice her movements?—When she left the train she stood opposite me for some time.

What were you waiting for?—To get out of the station, because the exit was choked with people.

Who went out first?—I went out first.

When you went out which way did you go?—I turned towards the Holdenhurst Road—that is, left handed—and I looked for my car.

Do cars back down under the verandah which is there?—Yes.

Was your car there?—No, my car was not there.

Did anything happen?—While I was passing under the verandah some newspapers blew from off a railway trolley and across the pavement and out into the roadway where the cars were parked.

How many cars were there when this incident of the newspapers happened?—Four cars.

Did you do anything?—I turned round to the rear of one of

Frank Humphris.

the cars for the purpose of stopping the papers, and almost ran into a man who was standing in the shadow of the car.

Did you get a look at him?—I had quite a good look at him.

How was he dressed, and in what style?—In chauffeur's uniform, without an overcoat. He was wearing a double-breasted short coat, black breeches, black leggings, black boots, and he wore a peaked cap.

Did you notice either of the cars which were parked there?—I noticed that the car against which he was standing had all its lights out, and it was the only car parked there whose lights were out.

Was the verandah sufficiently well lighted for you to see the colour of the car?—Yes, the colour of the car at night is a greenish grey.

Did you notice if it was an open or a closed car?—It was open at the time I saw it there. It can be closed quite easily. It was a touring car, with a Cape cart hood which could be closed in a minute.

After the incident with the newspapers what did you do?—I waited a minute or two, and then walked slowly towards the Holdenhurst Road end of the station approach, during which time the car that I have just referred to, and the driver that I have just referred to, and the lady who came out of the railway carriage near me, passed along the road.

That is to say, the driver and the lady were in the car?—Yes.

Were you able to identify them?—Yes, quite easily.

When the car reached Holdenhurst Road which way did it go, to the right or to the left?—It went straight on. It crossed over and went into Southcote Road, going at a good speed.

Do you remember anything that attracted your attention about the car?—The lamps for one thing. They were excessive in brilliancy, and their position was unique; they stood con-

Frank Humphris.

siderably more forward than is usual. The body of the car had very peculiar lines.

Can you indicate the peculiarity?—The great length of the bonnet for one thing; the position of the two side lights which were fitted into the top portion of the scuttle, and the very peculiar form of windscreen for back passengers.

Why is that unique?—Because it is difficult to get into it, and it is so fitted that it comes well back over the passengers who are in the back. There is one thing which I have not told you. The luggage carrier had my particular attention paid to it. I had never seen one like it on any other car, and I was so struck with the idea that I thought of fitting one on to the rear of one of my cars. I first noticed it when the car was standing outside the station and I was waiting for my car.

Now I want you to look at that hat (exhibit 4). Do you recognise it?—Yes, perfectly.

Is that the hat she was wearing?—That is a hat identical with it.

Did you make a statement to the police?—Yes.

How soon after the murder became known?—Within forty-eight hours of the evening of the 22nd of December.

By the JUDGE: How soon did you hear of the dead body of the woman being found?—Within about three hours, my lord.

By Mr. INSKIP: When did you next see that car which you had seen on the evening of the 22nd of December?—On the morning of the 4th of January; it was being driven down to the up platform of Bournemouth Central Station.

Who was driving it then?—Allaway was driving it; the prisoner.

Who was the man driving it when you saw that car on the evening of the 22nd of December?—The man I saw driving it at the station on the 22nd of December was the prisoner.

When you saw that car and driver on the morning of the

MAKERS' MARK ON HUB OF MR. SUTTON'S CAR.

[*Face p.* 64.

[*Fox's Photos, Bournemouth.*

SUPERINTENDENT GARRETT.

[*Face p.* 65.

Frank Humphris.

4th of January where was the car?—It was standing about eight or ten yards on the Holdenhurst Road side of the booking-hall. The time of the train that I had to catch was 8.43, and I arrived there at 8.37.

Was anyone with you?—My son and my solicitor. My solicitor accompanied me to the train. My son came into the booking-hall and I gave him some instructions to do something about the car which was outside being driven by the prisoner. I then went to the train. My son returned to me and gave me a particular number.

By the JUDGE: Do you mean on paper?—He wrote it down on my matchbox.

By Mr. INSKIP: Have you been able to keep that matchbox?—I have not got it, but it has been seen by two of the police. It was a box with a yellow paper bottom, a Swan box. It was pinned up in my study for about two months, but it has been lost now.

What was the number written on it?—LK 7405.

Have you seen that car since?—I have seen it on two or three occasions. It is a Mercedes car.

On the 6th of May last did you attend at the Bournemouth Police Station to identify the man who was standing behind the car in the shadow when the papers blew away?—Yes.

Did you see a number of men?—Yes.

How were they dressed?—All of them as chauffeurs. I should think there were ten or fifteen.

Did you pick out the man?—Immediately.

By the JUDGE: Was that the prisoner?—Yes, my lord. I said to him: "You have seen me before, haven't you?" He replied: "I don't know, sir."

Cross-examined by Mr. Fox DAVIES: How do you spell your name?—H u m p h r i s.

You came out of the station through the booking-hall on this night, the 22nd?—Yes.

Frank Humphris.

How long do you think it was between your coming out and the incident of the stopping of the papers?—Less than a minute.

And this incident of the papers, did that take a minute?—It took about four and a half seconds if you wish to have it in exact time.

You say you came face to face with this man?—That is true.

And had a look in his face, and right down to his feet, and saw all he had on?—Yes.

You noticed all that in a moment?—No, in four and a half seconds.

After the four and a half seconds how long did you occupy in looking him over?—Possibly four seconds.

And then did you go on further, looking for your car?—No, I backed on to the pavement, surprised at finding the man behind the car. I then watched the boys come out and pick up the papers from his feet. Then I walked on about as far as from here to the jury box.

How long would that take?—That would depend upon the speed with which I walked; eight or nine seconds possibly. I then waited near the car which the prisoner was standing by.

(The witness here marked on one of the exhibit photographs the spot where he waited for his car, and also the spot where he was when the Mercedes car passed him in the station approach.)

Mr. Fox Davies: What pace was it going when it passed you?—From 25 to 28 miles an hour.

Do you seriously mean that?—Yes, I am an old racing man and I know what speeds are.

And you recognised the car?—Yes, I have designed for four of the leading firms, and I am a member of the Institute of Mechanical Engineers.

It had exceptionally brilliant lights, and you turned round

Frank Humphris.

to look at them?—If you wish to know, I turned to see what type of light it was. I was just finishing designing a car, and I was considering the matter of lights.

I put it that those brilliant headlights would dazzle you and you would not be able to distinguish anything after looking at them?—I did not look at them directly.

But you cannot get away from them?—The car was going at a very rapid speed past me. It had got level with me and the occupants were silhouetted against the wall on the other side of the approach.

And you have not the smallest doubt about the occupants of the car?—No.

You noticed the lady's hat?—I could not help noticing that.

You saw the ribbons fluttering in the wind?—I have not said so.

The JUDGE: The witness has not said it at all.

Mr. FOX DAVIES: Not to-day, my lord.

You had an excellent opportunity of examining this car on the 4th of January?—Not at all; I was catching a train.

You noticed certain details of the car then?—Yes.

So that the details that you have been speaking of to-day might have been obtained then?—They were given to the police before that.

But not the number?—No, the number was the only thing I had not got on Christmas Day.

By the JUDGE: Was it on Christmas Day that you told the police?—Yes, my lord. I remember we did not have our dinner until 2 o'clock and it was ready at 1.

And you gave the number of the car to the police on the 4th of January?—On the evening of the 4th of January.

So that the police have known the number of the car since the 4th or 5th of January?—Yes.

When did you first hear about the murder? I think you said about three hours after it happened?—No.

Frank Humphris.

The JUDGE: He said three hours after the body was found.

WITNESS: That is so, my lord. The body was found in a field near which I have works.

Did you read the *Bournemouth Echo* that night?—I did not see it that night. It is left at my house, but I was away at Parkstone until late that night.

It had a full description of the clothing of Miss Wilkins, that is on the night of the 23rd of December. If it was left at your house you would read it afterwards?—No, I should not have the opportunity, unfortunately. I have no recollection of reading anything about Miss Wilkins' clothes in the papers.

You said this afternoon that after getting out of the train she stood behind you?—Yes.

And at the police court you said she stood beside you?—Yes, she did both. When she got out of the train she was beside me.

Were you watching her?—Yes.

Why?—Because she asked me if this was Bournemouth Central. And her hat attracted me, as a designer.

You design hats?—I design many things; I am a general designer.

Did you describe the clothes of Miss Wilkins to the police on Christmas Day?—I do not know. It was new in my mind then, but to ask me now all I told them is a difficult thing to answer.

You picked Allaway out at the identification parade? You were equally certain about him?—Yes, he has a big mouth, rectangular in form, and partially open. I had no hesitation in picking him out whatever.

Was the body found in your field?—No, at the corner of our field.

By the JUDGE: Does the field in which the body was found join your field?—Yes, my lord. Walking over our field you come right to the spot where the body was found.

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By Mr. Fox Davies: I think you have said that you are a member of the Institute of Mechanical Engineers?—The South Wales Institute of Engineers.

That is not the Institute of Mechanical Engineers?—There are several institutes.

You know perfectly well it is not the same thing?—It is an associated arrangement of it.

Is it the same thing?—If you mean the London Institute, no. I am a member of the Institute of Mechanical Engineers, South Wales.

You gave evidence in the courts in the case of the Cardiff Corporation against W. Gritt, Ltd., didn't you?—Yes.

As an expert engineer?—I do not know about that; I gave evidence.

How did you describe yourself in that case?—I really do not remember.

Was it not as a constructional mining engineer, a metallurgical engineer and analyst, and also a professional chemistry lecturer?—Possibly.

So I take it you were giving evidence as an expert?—I may have been.

And you were cross-examined, and it was proved that, so far from being an expert, you were a trustee?—No.

The Judge: A man may be an expert as well as a trustee.

Witness: I was not an interested party in the case. I have not been interested in Gritt's, Ltd., to the extent even of one cigarette paper.

You're a co-director with Mr. Gritt?—Yes, I was co-director with Lord Foley, and with Mr. Gritt, but there is nothing dishonourable about that. My solicitor asked me to act as trustee, and I was a transitory trustee for a few months.

Your evidence in that case was as to a gear-box and two chassis. Do you remember what your evidence was?—I remember some of the evidence.

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(Counsel then suggested that Mr. Humphris had given false evidence in the case referred to by stating that he had analysed certain fractured metal when in fact he had not done so.)

Did you ever make the analysis at all?—Certainly.

Was there not grave doubt that you had not?—No, there was no grave doubt. It is an insinuation which you should not make.

Who was the counsel in the case?—I do not remember.

Did he not say you were a most dangerous witness?—I do not know.

The JUDGE: I cannot allow this line of cross-examination to continue.

Several of the jury: Hear, hear.

The JUDGE: Most counsel who are opposed to a witness say something derogatory about him.

Mr. FOX DAVIES: May I ask one more question?

The JUDGE: To the point, I hope.

Mr. FOX DAVIES: Did Mr. Justice Salter, in his summing-up, say: "A very definite charge is made by Mr. Humphris," which relates to you?—I do not remember. I am not denying it, or otherwise, but I do not think it was said. He was absolutely dead fair as far as the analysis went. I still say that the part that I analysed was utterly worthless.

The JUDGE: In regard to the hat, when, and under what circumstances, were you shown this particular hat?—The police asked me to go down to Bournemouth Police Station where they had a whole heap of hats, and they wanted me to pick out a hat like the hat which Miss Wilkins was wearing when I saw her at the station. I picked it out of a vast number.

Was that in May, at the same time that you identified the prisoner?—Yes, my lord, at the same time.

When the car passed you when you were going up the approach was the lady sitting in the back of the car, or at the

Frank Humphris.

side of the prisoner?—She was at the side of the prisoner, and nearest to me. The insertion on the hat was going along like that, and the loose ends were on the side towards me as it was going along. (Illustrated by holding up hat.)

GREVILLE WILLIAM HUMPHRIS, duly sworn, was examined by Mr. CLARKE:

You are the son of the last witness?—I am.

Do you remember going to Bournemouth Central Railway Station with your father on the morning of the 4th of January last?—Quite well.

What train was your father going to catch?—The 8.40, or thereabouts.

A train to London?—Yes.

When you got to the station did your father indicate to you a car which was there?—Yes.

And in consequence did you take down the number of the car?—I took down the number and also told it to him.

Can you tell us what the number was?—LK 7405.

On that occasion did you see the person who was driving or in charge of that car?—I cannot say for certain. I expect I did, but I did not notice.

Did you see the car afterwards, driving about Bournemouth?—Yes, several times.

When you saw it afterwards who was driving it?—The prisoner.

Cross-examined by Mr. FOX DAVIES: Was it a leaf of your notebook that you wrote the number of the car down on?—Yes.

And pinned it up on the wall?—Yes.

Did you have the bottom of a matchbox pinned up on the wall also?—I did not know of it.

By the JUDGE: Did you tell your father the number before he left that morning?—Yes, my lord.

PERCY GLYNN GRIBBLE, duly sworn, was examined by Mr. INSKIP:

Is your name Percy Glynn Gribble, and do you live at St. Austell, Cornwall?—Yes.

Are you a commercial traveller, and does your father-in-law, Mr. Richards, live in Bournemouth?—That is right.

Were you in Bournemouth on the 22nd of December last?—I was.

Do you remember driving with your father-in-law to Bournemouth Central Railway Station in the evening of that day?—Yes.

What for?—To meet my brother-in-law, who was coming from London by the 4.30 from Waterloo.

Where did you put your car?—We backed it on to the pavement, under the awning.

The JUDGE: That is the verandah?—Yes, my lord.

Mr. INSKIP: Was there another car on each side of you?—There was a car on the right, but I did not take particular notice of it.

Did another car come after your arrival?—Yes, about three minutes after.

Where did that car take up its position?—It backed in on the left side of us.

Did you take any notice of that car?—I did.

Did you notice the colour of that car?—Only that it was a darkish colour.

Was there any part of it to which you directed your attention?—Yes, the wheel and the bonnet.

What did you see on the wheel?—The wheel that I examined was a wire wheel, and I took particular notice of the hub, in an endeavour to find out the make of the car.

Did you succeed?—I did not succeed.

How was the hub going to help you?—The name of the make is usually on the hub, but in this case, not being of block letter type, I could not distinguish what it was. The hub was

Percy Glynn Gribble.

upside down, and I had to crane my neck, and as it was not in block letter I could not make out what it was. And then I took notice of the bonnet.

Was there anyone with the car?—A chauffeur.

Did you take any particular notice of him?—No.

The JUDGE: What was peculiar about the bonnet?—It was a sloping bonnet, my lord; not straight.

Mr. INSKIP: Did you notice what was done to the lights of the car?—It backed in with the lights on, and the lights were turned out immediately it finished backing.

While you were waiting there did any incident happen that you remember?—I remember the incident of the papers blowing away.

After the train came in did you notice where the car went, or the people who went away in it?—No.

When did you next see that car?—When I went to Bournemouth for the police court inquiry.

Did you look at the hub and the bonnet then?—Yes.

Could you recognise the car at all?—Yes.

Was it the same sort of hub?—Yes.

What did you find on it?—Well, I found on it the word "Mercedes." I still could not read the writing around the hub.

Did you look at the bonnet?—Yes.

Was it the same as that of the car that you saw at the railway station on the 22nd of December?—Yes.

Cross-examined by Mr. FOX DAVIES: When the car came and took its place beside yours was it open or closed?—Closed.

You did not notice the driver?—No.

You did not see that car leave?—No.

Did it leave before you?—I am not sure, but as far as I remember it had left before we did.

You would have noticed whether a lady was in it?—No, I should not have noticed if it left before ours. I was standing at the back, waiting for our own people.

Percy Glynn Gribble.

It was not a good light under there?—It was good enough to see the lettering, but I could not read it. There was a fair light, but not in front.

Were the lights of the car bright?—Just ordinary electric lights.

You would not describe them as extremely brilliant?—No.

By the JUDGE: How soon after the 22nd of December was your attention called to this question of another car at the railway station?—Well, the day after the murder, when we heard that there had been a murder and there was a question of a motor car going from the Central Station, we thought of the car on our left.

How soon after did the police make any communication to you on the subject, or did you communicate with the police?—On the Tuesday after Christmas.

That is, the 27th?—Yes, my lord.

Then you were in communication with the police on the 27th of December?—Yes, my lord.

JABEZ RICHARDS, duly sworn, said he was the father-in-law of the last witness, and gave evidence corroborating that given by Mr. Gribble.

DR. HAROLD SIMMONS, duly sworn, was examined by Mr. INSKIP:

Are you a medical practitioner practising in Bournemouth?—Yes.

You are, I think, police surgeon at Bournemouth?—I am.

Did you receive a telephone call on Friday, the 23rd of December last?—I did.

To go to a field at Southbourne?—Yes.

What time did you reach there?—Just before 9.

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By the JUDGE: In the morning?—Yes, my lord.

By Mr. INSKIP: Did you find the body of a woman lying in the field?—I did.

Were the police there?—Yes.

Describe the position of the body.—The body was lying flat on the back, the head towards the south-east and the feet towards the south-west. It was about 15 feet from a low bank which was covered with withered gorse separated from the pathway at the side of Seafield Road by a fence of one strand of barbed wire and one strand of plain wire.

By the JUDGE: Was the top strand the barbed wire?—Yes, my lord. The fence was just below 3 feet in height. The gravel of the footpath was disturbed and roughened, and from thence to the body, in a straight line, there were extensive stains of blood, and pools of blood. The trail was in a line with the feet of the body. Most of the blood was amongst the gorse close to the footpath, and in the first few feet of the field near the gorse hedge. The highest point reached by the blood-stains in the hedge was about 2 feet from the ground. The deceased was wearing no hat.

By the JUDGE: Did you see the hat found?—I do not know; I saw it at some period.

By Mr. INSKIP: What were the marks that you found upon the body?—The head and face were covered with blood from numerous deep and superficial wounds. The right arm was stretched straight upward, as shown in the photograph, and the hand was clenched. The left arm was stretched out on a level with the shoulder. This hand was also clenched. Both hands were stained with blood. Rigor mortis, post-mortem stiffening, was present in both arms and legs. The upper part of the body was clothed in a brown coat, which was open below, disclosing a blue skirt, which, together with a white petticoat, was turned up towards the waist of the deceased, and that exposed a pair of short, thin drawers, and, below them, the

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legs of white merino combinations, which reached down to her black stockings, which were torn.

By the JUDGE: Whereabouts?—About the calves there were tears, but not extensive.

By Mr. INSKIP: Were the skirt and petticoat doubled underneath her?—No, they were flat on the ground; the front only was turned up. Her legs were separated at an angle of about 45 degrees. Both feet, which were turned out, were clothed in black shoes.

Were there any stains on the clothing?—On the front of the visible part of the combinations there were thin mud stains, bloodstained mud.

Was that only on one side of the combinations?—The combinations only showed between the drawers and the stockings, and they were both stained there just on the front of the knee with bloodstained mud. Over the right leg and side of the drawers there was an extensive stain as of some watery fluid, faintly bloody, and there was a small bright bloodstain over the middle of the drawers just over the part going between the legs. On the inside of the drawers, when removed, there was a slight stain of old menstrual blood at the seam.

By the JUDGE: Was that different from the other?—Yes, my lord, quite different. There was no central opening in the drawers. Bloodstained gorse was in her dishevelled hair, and that gorse was not in that part of the field where she was lying. It was similar to the gorse in the hedge.

By Mr. INSKIP: What was the condition of her clothing?—It was slightly damp, the back of the coat especially. The collar was much soaked with blood. There was very little blood on the coat or skirt in front.

Now, is that the note or recollection which you have of the examination which you made there at the time while the body lay in the field?—Yes.

Then was the body removed, and, after a few hours, did

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you make a post-mortem examination of it at half-past 12 the same day?—Yes.

What did you find?—The deceased was 5 feet 4 inches in height, and of good muscular development. Her eyelids, especially the right, were much bruised and swollen, and there was bruising right across the bridge of the nose. The tip of the nose was marked with numerous small scratches running in various directions. There was blood in her left nostril. Her lips were very pale, and the lower lip was contused against the teeth.

By the JUDGE: As if it had been driven against the teeth?—Yes, my lord. The lower jaw and face generally were much bruised, and there were several small superficial wounds in the lower part of the face about the jaw.

By Mr. INSKIP: Pausing there for a moment, can you say in what way these bruises might have been caused?—They were caused by some soft kind of instrument, otherwise they would have caused wounds more than bruises. They were contused by some soft type of weapon.

By the JUDGE: Do you include the human fist?—Yes, my lord, as against a metal instrument.

By Mr. INSKIP: Beside wounds of this character, did you find wounds of greater severity?—There was a large gaping wound over the left cheek-bone, which broke the bone and penetrated into the skull, producing a fracture of the skull under the cheek-bone. There was a wound over the upper part of the left ear, partially severing the ear, and reaching down to the bone of the skull below. On the forehead, at the margin of the hair, a little to the left of the middle line of the head, there was a wound of 1½ inches by 1 inch wide, a vertical wound which corresponded to a hole in the frontal bone of the same size. Fragments of the hair were driven right into the bone. The hole in the frontal bone was of a punched out character; it was like a piece punched right out of the bone.

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Have you formed any opinion as to whether the injuries could have been self-inflicted?—They could not have been self-inflicted.

How do you think they were caused?—By some weapon of curved character, such as a hammer. Had it been a weapon like a stick it would have to have been an instrument with a kind of pick to it to have produced such severe local damage. There was another wound in the line of the right ear, on the right side of the head, leading down to the bone below. That bone was fractured, and the fracture extended into the base of the skull. The brain was extensively lacerated and covered with blood. There was deep hæmorrhage round the thyroid cartilage and the neck, and there was a little blood in the windpipe. Both hands were covered on their backs with numerous scratches running in various directions. There were many small bruises about the lower parts of the arms, the left hip, and the top of the left thigh, and there was a large bruise, about 2 inches in diameter, on the front of the right thigh just underneath the stains seen on the drawers.

By the JUDGE: You mean the bloodstains?—Yes, my lord.

By Mr. INSKIP: What else did you find?—On examining the stomach I found about 2 ounces of partially digested blood. She had evidently swallowed blood. There was very little food. She had not had food within three hours of her death, or more; at any rate, not within three hours. The body generally was intensely anæmic, and all the organs were bloodless.

Is that a natural condition?—No, it was the result of the loss of blood. There was no injury to the private parts; the hymen showed no evidence of injury.

By the JUDGE: The hymen was intact?—Yes, my lord.

By Mr. INSKIP: Have you any doubt about the cause of death?—None, she died of hæmorrhage and shock, and wounds to the head and brain.

Was there anything to indicate about the time when death

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took place?—Not with any possible degree of accuracy. I consider she must have died more than five hours before I saw her—that is, before 9 o'clock—but she might have died at any time from five to thirty-six hours before. The post-mortem rigidity might last quite ordinarily from twenty-four to thirty-six hours.

Do you think that the deceased could have raised her head after the injuries, the violent injuries, had been inflicted?—No, the blood was almost wholly on the back of the clothing and ground beneath the head.

Would it be possible for anybody who had attacked her to be free from any stains of blood?—Having regard to the injuries, her assailant might not have been stained with blood at all.

I think you have told us everything that you found with regard to the deceased?—Yes.

Did you look at the surface of the road outside the field when you were there at 9 o'clock?—Yes. Generally speaking, it was a smooth surface, and a very smooth footpath, except just near the hedge.

Was the surface of the road such as to show tracks or impressions?—Yes, it was quite moist and fairly soft.

Did you see any tracks?—I saw the track of wheel marks, motor tyre marks.

What was the type of tyre that made the marks, do you think?—Dunlop Magnum. I had a car with Dunlop types. These marks were similar, but larger.

How far from the kerb were these tyre marks?—I did not measure, but it looked as if the car had drawn up at the kerb.

Do these photographs show quite well the position of the body as you saw it lying in the field?—Yes.

Cross-examined by Mr. Fox Davies: You have said that it was quite possible for someone to have inflicted these injuries without becoming bloodstained?—Yes.

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I suggest it is more likely that he would get stained with blood?—No, I do not think so. I think that the serious injuries were inflicted when the deceased was lying on her back.

Would that prevent the blood spurting?—From contused wounds blood very rarely spurts. These were all contused wounds.

And gashes?—No, severe contusions, but not gashes.

They were such as might have been caused by collision with a motor car?—No, the serious injuries could not have been caused by being knocked down by a motor car. They were too punctured, too penetrating; they were not crushing.

Was the clothing slightly damp, such as would have been caused by dew, and not by being out in the rain?—It was slightly damp, but not as if out in any amount of rain. It was slightly damp to the touch—that is, on the front of the clothes. The back was wet with blood.

You cannot help us any more about the hour as to when death probably took place?—No.

You do not take any notice of the passing off of rigor mortis? It does not pass off with any regularity?—No.

Re-examined by Mr. Inskip: Did you find any blood in the road, or any evidence consistent with the deceased having been run over by a motor car?—No. The blood began at the field edge of the footpath and almost in the gorse. I do not think I saw any blood actually in the footpath. In the hedge I saw the first blood.

Did you see any marks in the road consistent with a motor car accident?—No. The only marks I saw were the regular marks of tyres, as if a car had stopped close to the spot. There was no skidding.

(The Court adjourned for the day.)

SECOND DAY'S HEARING

(The Court sat again on Tuesday, the 4th of July.)

HENRY THOMAS WIFFEN, duly sworn, was examined by Mr. CLARKE:

Mr. Wiffen, what are you?—I am station foreman at Bournemouth Central Station.

Were you on duty at Bournemouth Central Station on the evening of the 22nd of December last?—Yes, sir.

Were you present when the 4.30 train out of Waterloo arrived at Bournemouth Central that evening?—Yes, at 3 minutes past 7.

Was there also a train out of Waterloo at 3.30 which was also running late?—Yes, she ran into the Central at 6.47. We cleared that train at 7 o'clock.

And at 7.3 the other one came in?—Yes, sir.

It was about a quarter of an hour late on scheduled time?—Yes, sir.

(The witness then described the type and position of the lamps at the station, and in the verandah and approach outside the down platform.)

ARABELLA CONSTANCE SUTTON, duly sworn, was examined by Mr. INSKIP:

Are you the wife of Arthur Warwick Sutton, who now lives at Barton Close, Southbourne?—Yes.

He is not in good health?—No.

Did you go to Bournemouth last October with the intention of taking up your residence there?—Yes.

And when you first went to Bournemouth did you go to the Carlton Hotel?—Yes.

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Did you bring a car with you?—Yes.

And was the prisoner Allaway your chauffeur?—He was.

When did he enter your service?—I think it was in January, 1920.

And did he continue in your service until April of this year?—He did.

Whereabouts was the car kept from the time it was brought to Bournemouth?—It was kept in the Haviland Road, at a garage there.

By the JUDGE: Was it the Portland Mews?—That is so.

By Mr. INSKIP: While you were at the Carlton Hotel was the car in regular use?—Yes, every day.

Is your car a Mercedes, numbered LK 7405?—Yes.

While you were at the Carlton Hotel what were Allaway's hours?—His time for arrival in the morning was 10.30.

Did he bring the car with him then?—He did.

Was there any regular hour for his departure for lunch?—Between 1 and 2.

Did it depend upon the time that your morning run ended?—Yes, but we generally got home about 1.

Are you able to say whether there were any regular hours in the afternoon?—We generally started out about 3 or 3.15.

And when did you return?—Sometimes about 4 o'clock, but Allaway was always free by half-past 5, and the latest would be 6 o'clock.

I suppose if he had to meet anyone at the station from a late train he would have to do so?—Yes.

But apart from any special trip he would be free by 6 o'clock?—Yes.

Do you remember at all the events of the 20th of December last?—Yes.

Do you remember when you left the Carlton Hotel?—Yes, that was the 20th of December. I was packing until about lunch time.

Arabella Constance Sutton.

Were you in time for lunch that day?—No, we were late. The time is 1 o'clock, but that day nearly everybody had left when we went in. I think it was nearly 2 o'clock.

What was your husband's habit after lunch?—To have a sleep and a rest.

For how long?—Until about 3 or 3.15; 3 o'clock generally.

Do you remember at all what time the car came for you that afternoon?—I think about 3.15. We were all rather late that day.

And that evening you moved from the Carlton Hotel to Barton Close, Southbourne?—Yes.

Do you know what the tyres of your car are?—I have heard that they are Dunlop Magnums.

From whom did you hear that?—I think from my husband.

Do you remember anything about your movements on the 23rd of December?—Yes.

That was a Friday?—Yes.

What did you do?—I went that day to my sister's, to a small tea party in Branksome Wood. She lives at La Chaumine.

By the JUDGE: You went in the car?—Yes.

Who drove the car that day?—The prisoner.

By Mr. INSKIP: When you arrived at your sister's house did the car go into the drive?—No, it went a short way down the road, and backed into the wood, and turned round there.

Is it an enclosed road?—No, the wood is on the other side of the road to my sister's house, and it is all open to the road.

There is no fence to the wood?—No.

And the car waited for you and took you home?—Yes.

How long were you at your sister's house?—About an hour and a half.

Perhaps you can tell me, yes or no, whether you were aware at that time of the discovery of Miss Wilkins' body, or of the discovery of a body at Southbourne?—Yes, I knew that.

Do you remember at all what had been the prisoner's hours

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on the previous day, the 22nd of December?—What I remember is that we went to Gervis Hall to tea that afternoon; that is a restaurant in Bournemouth.

And what time did you get back?—I think it was just before half-past 5.

Was that in the car?—Yes.

That is, to your new house, Barton Close?—Yes.

Was the prisoner free after you had got back to your house, or had he other duties?—No, he was quite free.

Free, that is, to take the car back, and put it away, or clean it?—Yes.

Do you remember what time in the afternoon it was that you visited your sister?—It was about 4 o'clock.

Was that the time you arrived, or the time you left?—The time I arrived.

Did you have the car on the 24th?—Yes.

Did you have it on the 25th and 26th?—No, because Allaway said he was ill; he rang up and said so.

By the Judge: Which day did he ring up?—He rang up on the 25th and said he was ill.

By Mr. Inskip: That is the Sunday?—Yes. I think it was that day. I am not quite certain about the 24th, but I think we had him on the 24th.

Do you remember how many days he was away?—The 25th and 26th. He drove us on the 27th, but I think he was away on another day afterwards.

By the Judge: What time in the day was it that he rang up?—It was in the morning; I think about 10 o'clock.

By Mr. Inskip: Did you have him on Sundays at the same time?—Yes, we had him on Sundays, but then he came a little later.

When you moved to Barton Close what time used the prisoner to come?—At about half-past 10 until about the beginning of February.

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Did he do anything in the house?—Yes, he did things in the house until we were ready to start in the car.

That is in the mornings?—Yes.

And what time would you generally be ready to start?—About quarter-past 11, or half-past.

Now I wish to take you to the 4th of January. What did you do on that day?—I went to London by the 8.43 train from Bournemouth Central.

By the JUDGE: In the morning?—Yes.

By Mr. INSKIP: How did you get to the station?—In the car; the prisoner took me.

Have you a son who lives in another house in Boscombe?—He used to live in Boscombe.

Was his house Beech Hurst, Beechwood Avenue, Boscombe?—Yes.

Was he living there in December?—Yes.

Did the car sometimes go to that house?—Yes, very often.

And driven by the prisoner?—Yes.

Do you know the name Cooper?—Yes, but I do not know in what connection.

You do not know a lady named Cooper?—No.

Do you know a house called Boscombe Grange?—Yes, I think it is a boarding-house.

Whereabouts is it?—It is a considerable way from Southbourne, but from Beech Hurst I should think it would be about seven minutes' walk.

The last question is: Did you see your car at the police station on the 22nd of May?—Yes, I was driven there in it.

Were there other people there looking at it besides you?—Yes, the people who have given evidence in the case.

Cross-examined by Mr. FOX DAVIES: Is your car here to-day?—No, it is not here now.

Did your husband have a *Daily Express* every day?—Yes.

Allaway had to purchase it and bring it?—Yes.

Arabella Constance Sutton.

When either of your family had to go to the station Allaway would have to drive them there?—Yes.

He was constantly going to the station with the car?—No, not constantly.

How many times between October and December?—Perhaps a dozen times.

Had he taken you to the Bournemouth Central Railway Station before the 4th of January?—I do not remember. He may have done.

Did he ask which platform to go to?—I always told him the platform where he was to go.

Have you never had to wait while he asked the way?—Certainly not.

Do you know if a Dunlop Magnum tyre was bought from Duncan and Sons at St. Andrews?—There was one bought at St. Andrews in September, but I cannot say what it was.

You were at St. Andrews on the 1st of June?—We were at St. Andrews from May till October.

You do know that the tyres on your car were Dunlop Magnums?—I have heard so. I have never looked at the tyres to trouble what they were until lately.

You cannot tell me what the tyres were that were on your car in December?—No.

Can you tell me the name and address of the cook who was at your house on the 27th of December?—She was a cook who only stayed her month. She was staying in Leaphill Road. We always called her Mary, but I forget her surname.

Can you wire it to me to-night?——

Mr. Inskip: The police have never been asked for it. It is not Mrs. Sutton's business to supply it. The police will find any witness if the address is given.

Did your sister point out to you where the attaché case was found, point it out in the presence of Allaway?—I do not remember anything about it.

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The place where it was found is opposite the gateway into your sister's house?—It is just opposite the small gateway, not the principal gateway.

So that to all intents and purposes we can say that the spot is exactly opposite your sister's house?—Yes.

You did discuss this case with your sister?—Yes, naturally.

On what date did your husband receive a certificate from Dr. Bottomley that Allaway was ill on the 25th and 26th of December?—We never received any certificate.

Then how did you know that Allaway was ill?—He telephoned on the 25th.

Did he telephone on the 26th?—I cannot say.

Did he telephone on the 27th?—No, I think that day he came back and drove us.

And then did he telephone on the 28th, and did your husband say he could have another day?—I think he was told on the 27th that if he did not feel well he could have another day.

Are you sure it was the 4th of January that you went to London?—Positive.

Have you any way of fixing it?—My maid wrote and told me I came up on the 4th of January.

You are depending upon the opinion of your maid. I put it to you that you went up to London on the 5th and not on the 4th of January?—No, on the 4th of January.

Then Allaway is mistaken if he says it was the 5th?—Yes.

The name Beech Hurst refers to a wood, and not to a sea beach?—Yes.

Allaway stayed in your employment up till April, and your husband gives him a good character?—Yes.

As a rule he was fairly punctual?—Yes.

Down to April Allaway was going about Bournemouth with the car exactly as before the 22nd of December?—Yes.

How often would Allaway have to go to Beech Hurst?—I could not say, but quite regularly.

Arabella Constance Sutton.

Had your son authority to order him?—No, he would be directed by us to go round.

I think you said at the police court that until the end of the year Allaway came at 10 o'clock?—He came at 10.30 until the beginning of February; I made a mistake.

Are you sure you are not making a mistake now?—No, it was 10.30 until February.

You are not very certain about it?—I am very certain that down to the end of January he came at 10.30, and probably that went on into February. I was certain about it at the police court, but I was confused by the cross-examination.

Allaway had a number of house duties to do?—He had a little housework to do instead of standing idle.

Can you remember what time he came on the 22nd of December?—I cannot remember what time he came. In the afternoon he had his orders to come at 3 o'clock unless he was ordered later.

You have no recollection of any later orders that he had that day?—No.

How long does it take to drive from the Bournemouth Post Office to your house?—I do not know; I have never timed it.

Would it take ten minutes?—It might take twelve minutes, or possibly a quarter of an hour. I cannot say definitely; it is mere guesswork.

At any rate, it would not be a matter of two or three minutes?—No, I can be certain of that.

Do you remember any occasions on which Allaway was out after 6 o'clock at night as part of his duties to your family?—If he had to be at the station to meet a train he would be after 6. There was one occasion when I came down from London; I think it was on the 15th of December. He met me, and I think the train arrived at about quarter to 9 at Bournemouth Central.

The Judge: Can you remember the time of the train at Waterloo?—I think it was the 6.30, my lord.

Arabella Constance Sutton.

By Mr. Fox Davies: If Allaway says you came down by the 4.30 from Waterloo on the 15th he is wrong?—Yes, I know I came by the later train.

When he went to Branksome Park did he have tea with the servants?—No, he never went into the house that day. It was only in the New Year that he had tea with the servants.

Re-examined by Mr. Inskip: On the 17th of December, of course, you were living at the Carlton Hotel?—I was at Barton Close on the 17th.

I thought you went to Barton Close on the 20th?—I moved before my husband did; I was at Barton Close on the 17th.

There was a telegram sent off from the Boscombe Post Office on the 17th—that is, a few minutes' distance from Barton Close—and the time it was sent off was 1.33. Do you know whether the prisoner Allaway would be wanted by you at 1.33? Would he be with you at that time?—No, he would not be with me or my husband then.

On the 22nd of December a telegram was sent off from the Boscombe Post Office at 10.15. Are you clear now in your recollection that he used to come to you at 10.30 along that time?—Positive.

By Mr. Fox Davies: May I put one more question? In the course of his duties Allaway often had to go to the Boscombe Post Office?—Yes, he often had to take letters, and occasionally telegrams.

By Mr. Inskip: On the 23rd of December, when you went to your sister's house, there was a tea party?—Yes, I and my daughter went.

And you said that the prisoner did not go into the house?—No, not that day.

Would he have been left alone in the car that day?—Yes.

There was no one but the prisoner in the car?—No.

And you were in at the tea party about an hour and a half?—Yes.

Miss HELEN CONSTANCE PYM SUTTON, duly sworn, was examined by Mr. Clarke:

Do you live at Barton Close?—Yes.

When you went to London or anywhere by train, used the prisoner to meet you with the car?—I lived part of my time at Barton Close and partly at Reading, and when I came from Reading he used to meet me.

Can you remember when he met you in December?—I came down from London then, and he met me; that was the 12th of December.

Did the prisoner meet you with the car that night?—Yes.

What time did you arrive?—I came by the train leaving Waterloo at 4.30, arriving at Bournemouth Central about 7, I think.

You having come down from London on the 12th of December, can you remember whether your mother went to London soon afterwards?—Yes, my mother was in London from the 13th of December, and she came down on the 15th.

Do you remember by what train she came down?—She arrived at Barton Close between 8 and 9 o'clock; she missed one train and got the next. Whether she went to the Carlton Hotel first I do not know, but I know she arrived at Barton Close between 8 and 9 o'clock.

Do you remember a butler called Jennings going away by train?—Yes.

Who took him to the station?—Allaway.

From Barton Close?—Yes.

What date was that?—The 19th of December.

Do you remember what time he went?—It was a through train leaving Bournemouth Central to Reading about 4 o'clock or a little before.

Were you in the car on that occasion?—Yes.

And after you had dropped the butler did Allaway drive you back to Barton Close, and was he then dismissed?—Yes.

Cross-examined by Mr. Fox Davies: If Allaway had to

Miss Helen Constance Pym Sutton.

meet anyone off the 4.30 out of Waterloo he would be able to be back at the garage at Boscombe by 7, would he not?—I do not know.

The train is due about 6.45, and if he had to take anyone to Barton Close he could be back at the garage about 7?—I hardly think so, because the train is sometimes late, and it is three miles from the station to Barton Close, and there would generally be luggage to be got out of the car into the house.

There would be no duties to keep him after he had unloaded his passengers?—No, certainly not.

When Allaway drove Jennings to the station, did he know which side to go?—Yes.

Police Constable CHARLES HENRY CHIVERTON, duly sworn, was examined by Mr. Clarke:

You are a police constable in the Hampshire Constabulary, stationed at Bournemouth?—I am.

And did you receive information, shortly after half-past 7 on the morning of Friday, the 23rd of December, which took you to the corner of Seafield Road and Iford Lane?—Yes.

And when you got there did you see the witness Nicklen, and did you also see the body of Miss Wilkins lying on the ground?—I did.

Was the position of the body altered in any way before the doctor saw it?—No, sir.

We have been told that Miss Wilkins was without a hat; did you find the hat?—Yes, outside the fence, in the bushes. It was on the ground between the two bushes which are shown in the photograph No. 54.

And is that the hat which is marked exhibit 4?—Yes.

Did you find the umbrella (exhibit 3)?—Yes, that was lying against the fence, outside, as it appears in exhibit 53. It was

Police Constable Charles Henry Chiverton.

resting upon the lower strand of wire, and the point of the umbrella was pointing outwards to the footpath.

Did you notice any footmarks on the path?—Yes, there were footmarks crossing the pathway, practically opposite the post where the umbrella is. They were so interlaced that no impression could be taken of them.

Did you notice any tracks in the road surface?—Yes, I did, a motor car track about 2 feet 6 inches to 3 feet from the kerb. (After being shown a photograph of the road.) Those other tracks were not there when I first got there, but I could not prevent other traffic using the road. There was only the one motor track when I got there.

Were you there when the witness Graham came and saw that track?—Yes, I pointed it out to him.

Cross-examined by Mr. Fox Davies: The clothing on the body was a trifle damp from the dew?—Yes.

The body had not been out in rain?—I cannot say; there was a heavy wind that night and morning.

It did not appear as if it had been out in heavy rain?—No.

Police Inspector FREDERICK GEORGE BREWER, duly sworn, was examined by Mr. Inskip:

You are an inspector in the Hampshire Constabulary, stationed at Bournemouth?—Yes.

On the morning of the 23rd of December did you go to the junction of the two roads, Iford Lane and Seafield Road?—I did, at 8.15.

Had you Sergeant Fisher with you?—Yes.

I need not take you over all the details, but did you notice the footpath?—Yes.

Were there any footmarks on the path?—Yes, from the kerb to the fence.

Police Inspector Frederick George Brewer.

Did you see any tracks on the roadway?—There appeared to be the track of a motor car in the Seafield Road very near to the footmarks on the path, about 3 feet from the kerb.

Were you there when Mr. Graham examined those tracks?—I was in the field. I saw him examine them.

Can you tell me whether there were any other noticeable tracks in Seafield Road when you got there?—There was another track further over on the far side.

Mr. Inskip: There is further evidence which this witness might give, and, if necessary, I will ask for permission to recall him at a later stage.

Cross-examined by Mr. Fox Davies: So the other track was there when you got there?—Yes.

How soon were you there after Chiverton?—About 20 minutes probably, but I am not quite sure.

You examined the clothing?—Yes.

The upper portion was damp?—Yes, only slightly damp. It appeared to me to be dew.

It had not the appearance of having been out in a storm of rain?—I should think not.

The hat was dry?—Yes, except for dew.

Was the condition of the hat the same as the clothing?—Yes, much the same.

Now I think you said at the police court that it was raining up till about 8.20 the previous night?—Yes, at Southbourne.

You said it rained practically all that day and evening?—Yes, off and on. After 8.20 it was perfectly dry, with a very rough wind.

You could not make out whether the marks on the path were those of a man or a woman?—No, apparently someone had passed backwards and forwards.

Did you examine that track that you saw on the other side of the road?—No.

Police Inspector Frederick George Brewer.

You could not say if it was made by Dunlop Magnums?—No.

Re-examined by Mr. INSKIP: One question, did you see any signs of blood outside the field?—Yes, just near this bush in the Seafield Road (indicating a feature on one of the photographs).

How far was that from the footprints across the footpath?—About 2 feet.

By the JUDGE: Where was it?—On the grass, just outside the fence. There is a piece of ground outside the fence leading on to the footpath.

By Mr. INSKIP: Was there any blood on the wire fence?—Yes, there was a smear of blood several inches long on the plain strand of wire.

Was there blood on the umbrella?—There was blood on the top of that flat knob.

Mr. INSKIP: I beg your lordship's pardon for not having asked those questions in chief.

Now there is a question arising out of cross-examination. You said there were showers the previous evening up till 8.20. Were they showers or continuous rain?—During the evening there were very heavy storms, with intervals of fine weather. The rain ceased about 8.20.

And after that time did you say there was a rough wind?—Yes, a very rough wind indeed.

Would that have a very drying effect?—Very.

And is the place where the body was lying an exposed place?—It is exposed on the other side of the gorse bushes.

It is rising ground?—Yes.

By Mr. FOX DAVIES: On this new evidence: This rising ground would tend to protect the body from the drying effect of the wind on that side, and the gorse bushes would protect it on the other?—I do not think it would much; to some extent perhaps.

POLICE SERGEANT HENRY FISHER, duly sworn, was examined by Mr. CLARKE:

You are a sergeant in the Hampshire Constabulary, stationed at Bournemouth?—Yes, sir.

Did you go with Inspector Brewer to the spot where the body of Miss Wilkins was found on the morning of the 23rd of December?—I did.

Did you notice the motor tyre marks which were in the road?—Yes.

What did you notice about them?—I noticed that at one spot the tyres made a very much deeper impression, that was just opposite where the body was lying.

How was that situated with regard to the footmarks on the pathway?—It was about 3 feet from the kerb and opposite the footmarks across the pathway.

Could you form any opinion as to the direction from which it had come?—I formed the opinion that it came along the main Christchurch Road, by Iford Bridge, along Iford Lane into Seafield Road to the spot of the murder.

Could you see the mark of the wheel on the other side?—Yes.

What was the space between the two, the wheel base?—It was 4 feet 6 inches, approximately.

Have you taken the measurements of the wheel base of Mr. Sutton's car?—Yes, from the centre of the tread of each wheel is 4 feet 5 inches exactly.

How far could you trace the track?—From Iford Bridge to the scene of the murder, about a mile and a quarter, and from the scene of the murder along Seafield Road into Cranleigh Road (which runs across Seafield Road), and then into Watcombe Road to the corner of Paisley Road. There I lost the tracks, as they were obliterated by other traffic.

So far as you were able to trace those tracks, would that be the direct route from the scene of the murder to the Portman Mews?—Yes, it would be in that direction.

Police Sergeant Henry Fisher.

Was the impression of the track that you saw in the road sufficient to enable you to see what tyres caused the impression?—Yes, Dunlop Magnum tyres.

By the JUDGE: Which impression are you speaking of?—Both sides of the car, my lord.

By Mr. CLARKE: Now, supposing that the car, the tracks of which you traced, started from the Bournemouth Central Railway Station to go to Iford, would the direct way be to go straight across the Holdenhurst Road, then turn to the left and follow the road along?—That would be one way.

After going into Southcote Road and then getting into the Christchurch Road, would that be the most direct way?—Yes.

Cross-examined by Mr. FOX DAVIES: How far is Paisley Road from the Portman Mews?—It would be about a mile, or a mile and a quarter.

And there are many ways in between?—Yes.

Is there a place called Burley beyond Iford?—There is a village called Burley, but it is a long way beyond Iford.

I think you said at the police court that in your opinion all four tyres were Dunlop Magnums?—Yes.

And the impressions were such as would be left by tyres in good condition?—That is the opinion I formed.

This 4 feet 6 inches between the tyres, that is measured from the centre of one tread to the centre of the other?—Yes, that is the road measurement.

WILLIAM WELLS GRAHAM, duly sworn, was examined by Mr. INSKIP:

Are you the general manager of the Hants and Dorset Motor Services, Ltd?—Yes.

Do you remember being in the Seafield Road, Southbourne, on the morning of the 23rd of December last?—Yes.

What were you doing there?—I was on the way to our coach-building place, driving a car.

William Wells Graham.

Did you see some policemen there?—Yes.

By the JUDGE: About what time was it?—I could not say definitely, but it was about 9.40, I should think.

By Mr. INSKIP: Did they ask you to do something, and in consequence did you look at the road?—Yes.

What did you find there?—I found the tracks of a motor car.

Were those tracks quite plain?—Yes, they were very plain, and distinguishable from other tracks; in fact, there was only this one track just at that point.

Where was it?—Right over on the left-hand side of the road looking down Seafield Road.

And how near to the kerb?—Only about 6 inches the near-side wheel—quite close.

Did you follow the track in either direction?—Yes, for a distance of 80 to 100 yards in both directions.

Are you very familiar with the patterns of motor tyres?—Yes.

Are you able to say what tyre made that impression which you saw in the Seafield Road?—Yes, it was a Dunlop Magnum.

By the JUDGE: Was that both near and off wheels?—Yes, my lord.

By Mr. INSKIP: There was nothing to show that the car which left those marks had stopped, was there?—Yes, the marks were much deeper at one spot than the remainder of the tracks.

Could you form any opinion as to the direction in which the car was driven from that spot?—Yes; in my opinion it was driven towards West Southbourne and Bournemouth when it left that spot.

Are you able to form any opinion from the tracks as to the size and weight of the car?—As to the tyres, in my opinion they were 820 millimetre size tyres.

William Wells Graham.

And the size and weight of the car?——

The JUDGE: Is there any value in that?

Mr. INSKIP: If your lordship pleases.

Were you able to distinguish the back and front tyres?—No, you could not distinguish the front-wheel track; you could not see what make it was, it was too blurred.

Can you say if the Dunlop Magnums were on the back or front wheels?—I should say the back wheels.

Cross-examined by Mr. FOX DAVIES: Did you measure the tracks?—No.

Then it is only a matter of opinion whether or not they were 820 millimetre tyres?—There was a material difference in the size of these tyres and, for instance, the size of the tyres on my own car.

Do you know the Fiske tyre?—Yes.

Does not that leave an almost identical impression to the Dunlop Magnum tyre?—No.

That is a tyre with studs?—Yes.

The Fiske tyres are not uncommon in this country?—No.

The Overland cars are commonly sold with the Fiske tyres on them?—I could not say.

The tyre marks that you saw were quite distinct?—Yes.

Such as would be made by new tyres?—Not necessarily new tyres.

Would Dunlop tyres which had been driven, say, 3,000 miles make such marks?—In answering that question it would be necessary to know whether the car on which they were had been driven slowly or fast.

The JUDGE: And over what kind of road.

The WITNESS: Exactly, my lord. I might help you by giving you a definite case where a car was driven 3,600 miles and then the tyres made a perfect impression, but it had never been driven fast.

Dunlop Magnums are a most popular form of tyre?—Yes.

William Wells Graham.

You see more of those on the road than almost any other tyre?—Yes.

And wire wheels are quite common?—Yes.

And Mercedes cars, there are a number in this country?—There are a number of old ones about.

There were other motor tracks that morning in the Seafield Road beside those of which you have spoken?—Yes, in the centre of the road.

Did you examine any of these?—Yes.

Did you see the track of a Michelin tyre?—No, I never noticed one.

I cannot understand your evidence that the near track was 6 inches from the kerb, when the police officer says it was 3 feet 6 inches. You are not mistaken, are you?—I do not think I am mistaken; it was quite close.

Re-examined by Mr. INSKIP: Could you possibly have mistaken the impression of a Fiske tyre for that of a Dunlop Magnum?—No.

By the JUDGE: Or a Michelin?—No, my lord; they are totally different.

BENJAMIN BARNLEY, duly sworn, was examined by Mr. INSKIP:

Are you a groom, living at Lower Parkstone?—I am now living in Branksome Park.

Were you living in Branksome Park on the 31st of December?—Yes.

On that day did you find an attaché case?—Yes.

Where did you find it?—Underneath the bushes—rhododendrons.

What was the condition of the attaché case when you found it?—It was mildewed underneath.

Was it open?—Yes, upside down.

Benjamin Barnley.

Where were the contents—in or out of the case?—Out of the case.

How were they lying?—The bag was nearest, and the nightdress a little to the left of the bag. The attaché case was a little farther up, and the other contents were in a heap in the middle.

And amongst the contents was there a letter addressed to Irene May Wilkins?—No, sir, a testimonial.

Was there an envelope?—Yes, there was an envelope.

What was in the envelope?—Testimonials, that is all.

Was there a name on any of the writing inside?—Yes, Miss Irene May Wilkins.

Did you remove the articles and hand them to the police?—Yes.

Cross-examined by Mr. Fox Davies: Were you going along the road to Canford Cliffs?—I was coming from the path leading to my house.

Does the path lead to La Chaumine?—Yes.

Would you pass that place about six times a day?—Yes.

It was not until the 31st of December that you noticed the nightdress there?—That is so.

The nightdress was plainly visible?—It was, walking from the right, but not from the left.

Were the papers visible?—No, they were in the envelope. That was along with the Dorothy bag.

What was it attracted your attention?—The nightdress.

Was it all crumpled?—No, it was lying out just as if it was folded, about a foot and a half by six inches.

By the Judge: Did you pass that spot between the 23rd and the 31st of December?—Yes, my lord.

Every day?—Yes, my lord.

If it had been in that position before the 31st do you think you must have seen it before that day?—I do not know. I did not see it before that day.

Benjamin Barnley.

If it was spread out as you found it, is it possible that you could have missed seeing it before the 31st?—It is quite possible, because I might not have looked on that side.

POLICE SUPERINTENDENT SHADRACH GARRETT, duly sworn, was examined by Mr. CLARKE:

Are you superintendent of police stationed at Bournemouth, and in charge of the Bournemouth Police Division?—I am.

And between 9 and 10 o'clock on the morning of the 23rd of December did you visit the corner of Seafield Road and Iford Lane?—I did.

Did you see the body of Miss Wilkins?—I did.

In what condition was the clothing?—The clothing was damp.

Tell me what was the condition of the weather on the evening of the 22nd of December in Bournemouth?—There was a considerable amount of rain in the afternoon, very heavy rain, and it continued up till about 5 o'clock, and between 5 and 6 it developed into a drizzle, but after 6 we had no more rain in Bournemouth until about quarter to 8, when we had a shower which lasted about a quarter of an hour. After that it was a fine, very cold night, with a high, drying wind.

And by the time you got to this spot between 9 and 10 the next morning was the road dry or wet?—Practically all traces of the rain the previous day had disappeared.

That same evening did you cause information to be published in the local papers?—I did.

Did the reports of the matter deal with the finding of the body and the tracks of a motor car?—Yes.

By the JUDGE: Did it say what kind of marks?—No, my lord.

By Mr. CLARKE: On the night of the 23rd-24th of December did you become aware of these two telegrams, exhibits 7 and 8,

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the ones sent to the Cavendish Bureau on the 20th of December, and the one sent to Wilkins on the 22nd?—I did.

And on Christmas Day did you become aware of the third one, which purported to be from Mrs. Cooper?—Yes.

Were those telegrams, exhibits 6, 7, and 8, published in the Press?—Yes, carbon copies of the originals had been photographed.

Was exhibit 8, addressed to Wilkins, from Wood, of Beech House, published in the *Sunday Express* of the 25th?—Yes.

A facsimile being described as "the fateful telegram"?—Yes.

And in that report attention is drawn to the misspelling?—Yes.

In that telegram, there reproduced, did you notice that the word "expense" was spelt "expence"?—Yes.

On the same day did there appear in the *Illustrated Sunday Herald* a reproduction of exhibit 7; that is, the telegram to the Cavendish Bureau?—Yes.

In that telegram the word "pleasant" is spelt "plesent"?—Yes.

That is from Butler, Boscombe Grange?—Yes.

The third telegram, which you had in your possession, did reproductions of that appear in the *Daily Express* and other daily papers on Tuesday, the 27th of December?—Yes.

That telegram is from "Mrs. Cooper," and in it "expense" is again spelt "expence," the word "if" is spelt with a double *ff*, and the *e* is left out of "Bournemouth"?—Yes.

In the telegram to Miss Wilkins there is the discrepancy in "immediately," the *e* is left out, and "Thirlmere" is spelt wrongly?—Yes.

In exhibit 7 do you notice that whereas the address is at 12, Prince's Street, London, it is here written 12, Princess Street?—Yes.

In the original of exhibit 6, whereas the address in the

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Morning Post is "Kingdon Road," here it is written "Kingsdon"?—Yes.

And in the third word in that telegram do you notice that it is "advertisement" spelt without the *e* between the *s* and the *m*?—Yes.

On the 31st of December, in consequence of a communication from the last witness, Barnley, did you go to the Western Road, Branksome Park, and there find the attaché case?—I did.

In what condition were these things then?—They were very wet, soaked, and, in addition, there was a considerable amount of dirt, and bark and pine-needles on them from overhead. Underneath the attaché case mildew was forming, and the whole was resting on a bed of pine and laurel leaves.

Was it very obvious to you as you came up?—No, it was well hidden, and entering from the Western Road from the common land it was impossible to see it. The attaché case and the contents were behind a large fir-tree, and in a laurel bush. There are laurel bushes there, and rhododendrons behind. They are very high, and are growing right down to the ground.

On the 29th of April this year did you bring the prisoner from Reading, with Inspector Brewer?—Yes.

Did you take any part in the identification parade on the 6th of May?—Yes, I took all the part, so far as the arrangement of the various witnesses were concerned.

Perhaps you can tell me among how many other persons the prisoner was placed on the 6th of May?—Eight.

By the JUDGE: Eight besides the prisoner?—Yes, my lord.

By Mr. CLARKE: How was he dressed?—As a chauffeur.

How were they dressed?—All as chauffeurs; in fact, they were all chauffeurs by occupation.

Was there any of them like him?—There was one of them there who bore a strong resemblance to the prisoner; in fact,

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this man was twice picked out before the prisoner by the witness Nash. I purposely had him on the parade when Nash was there.

You had the same man there again?—Yes.

By the JUDGE: Picked out by Nash, and whom?—Samways, my lord.

By Mr. CLARKE: After he was picked out on the 6th of May, did you charge him with murder?—I did.

What did he say?—"I don't know anything about it."

By the JUDGE: You charged him with this murder?—Yes, my lord.

By Mr. CLARKE: Before you charged the prisoner had you paid a visit to the house which he had occupied when living in Bournemouth—29, Windsor Road?—Yes, I had.

By the JUDGE: Up to what time had he occupied there?—Up to the 20th of April, my lord.

By Mr. CLARKE: Was his wife still living there?—No, she had gone. I saw her on the 29th at Reading.

When you visited Windsor Road did she go there with you?—She returned from Reading on the 1st of May, and I met her at Boscombe, and we went to 29, Windsor Road together.

Did you, at Windsor Road, take possession of a number of post-cards?—I did.

On the 3rd of May did you show them to the prisoner?—I did.

When you showed them to him what did he say?—He said: "Those are cards which I sent to my wife, some from Germany, and some from Scotland when I was there last summer."

Had you also in your possession a letter directed to the London and Provincial Furnishing Company?—Yes, I received that from Sergeant Ellis.

Did you say anything about that to the prisoner?—Yes, and he said: "That is one I wrote to them."

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Is it dated?—Yes, "4/4/22."

Had you also in your possession an application for a motor driver's licence?—Yes, I had it from the local taxation office.

Did you show that to the prisoner and did he say whose handwriting it was in?—Yes, he said: "I made that application out; that was for my driving licence."

Where did you get exhibit 35, and what is it?—Exhibit 35 is a letter to his wife, which I received from the prisoner on the 30th of April, which was the Sunday after we arrested him.

By the JUDGE: You mean he wrote after he was arrested?—Yes, my lord, he wrote from the cells. Exhibit 36 is also a letter written from the cells to Mr. Sutton.

By Mr. CLARKE: When he was arrested had he any documents upon him?—He had several bits of paper with writing on them. He said: "They are my handwriting."

They are betting slips?—Yes. They are addressed to "T. Cook, 25, Leamore Street, Hammersmith, London," and dated the 28th of April, 1922.

After the prisoner was under arrest did two postal orders come addressed to "T. Cook"?—Yes, that was the name the prisoner was then going in.

Mr. FOX DAVIES: Betting under an assumed name?

WITNESS: Yes, that is the name he assumed after he left Bournemouth.

By Mr. CLARKE: Since the prisoner has been in custody has he written several documents?—Yes.

Exhibit 41 to Miss Shaw?—Yes.

By the JUDGE: Did you see him write that?—No, my lord, I received it from the gaoler, with exhibit 42; they both came in one envelope. It was a request for Miss Shaw to hand a letter over to his wife, if she could be found.

By Mr. CLARKE: Who is Miss Shaw?—The barmaid at the Salisbury Hotel.

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Did you receive from Sergeant Ellis the letter dated the 23rd of January, 1919, and marked exhibit 43?—Yes.

That begins, "Dearest May," and ends, "Your loving husband, Tom"?—Yes.

Did you also receive from Sergeant Ellis these three draft telegrams, exhibits 44, 45, and 46?—Yes.

Did you receive from Police Constable Clements the document exhibit 47?—Yes.

One further question about the identification parade on the 6th of May: amongst the persons who were called in to identify him was Miss Diplock, a post office employee?—Yes.

Just tell us what happened.—She walked along the line, then walked back to the prisoner, pointed to him, and said: "That is the man."

Who was the next person?—Miss Waters, also a post office lady clerk.

What happened when she came in?—She came in, looked at the men, and then nodded her head, and said: "Yes." She then said: "May I hear them speak?" I said to the witness: "What would you like them to say?" She said: "Car, car will meet," because that is the word I queried. At my request all the persons on the parade repeated the words: "Car, car will meet." Miss Waters walked along in front of each one as he repeated the words, and then she came back to the prisoner and said: "May this man repeat it?" He did so, and she said: "That is like the voice of the man who sent the telegram on the 20th."

Now I want to ask you, did you travel over the road from the Central Railway Station to this spot at the corner of Seafield Road where the body was found in a motor car?—Yes.

By the Judge: When was that?—On the 18th of May, my lord.

By Mr. Clarke: Was that in Mr. Sutton's car?—Yes, and about 18 miles an hour was the average speed.

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By the JUDGE: Was that noticed by the speedometer?—Yes, my lord.

By Mr. CLARKE: Where did you start from? From the Central Railway Station?—I did.

And did you cross the Holdenhurst Road?—I did, through the Southcote Road along into St. Clement's Road, and over St. Clement's Bridge into Windham Road. At the end of Windham Road we crossed the Ashley Road into King's Park, and then down over Pokesdown Hill as far as Iford Bridge. We turned to the right there, and went along Iford Lane to the scene of the murder.

Had you two stop watches with you?—Yes, and we made the time 10 minutes 35-2/5 seconds.

Then from the scene of the murder did you return through Seafield Road to the Portman Mews?—Yes, we went through Cranleigh Road, Watcombe Road, and into the main road from Boscombe to Christchurch, through Seabourne Road and Parkwood Road, which is a branch off Seabourne Road, and then into Haviland Road, where the Portman Mews garage is. The time for that was 6 minutes 20 seconds.

Going at the same rate of speed?—Yes.

Did you go the distance from the Portman Mews garage to the Central Railway Station?—Yes.

How did you go?—Through the Ashley Road and the Holdenhurst Road.

How long did that take?—4 minutes 32-2/5 seconds.

Cross-examined by Mr. Fox DAVIES: Superintendent, when did you publish a description of Miss Wilkins' clothes?—Never.

What date was the description published?—I do not know, but I know it was published.

On the day that her body was discovered the fact was published that she was wearing a brown suede hat with pink ribbon inserted?—Yes.

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Was it by your consent that the description was published?—I may say that the papers never asked me for my consent.

Was there an inquiry in all the papers for a 6-cylinder Sunbeam?—Yes.

On whose information was that search being made?—On the information of a taxi-driver.

Was that Webb?—Yes.

Webb gave you information that Miss Wilkins drove away in a 6-cylinder Sunbeam?—No.

The JUDGE: Is he here as a witness?

Mr. FOX DAVIES: No, my lord.

The JUDGE: Then how is this relevant?

Mr. FOX DAVIES: It is relevant to my case, my lord, and it is in the interest of the prisoner that it should be before the jury. Any information that was given about Miss Wilkins I think your lordship will agree that that is relevant.

The JUDGE: I very much doubt if it is relevant. If we are to have all the gossip, and anything anybody said on this subject in Bournemouth, it is only distracting the minds of the jury from the real question.

Mr. FOX DAVIES: I agree, but when there is a search for a definite car, I submit it is relevant.

The JUDGE: I think the most that you can ask is this, that the police were making a search for a 6-cylinder Sunbeam in consequence of something which a man named Webb said.

Mr. FOX DAVIES: I am obliged to your lordship.

Mr. FOX DAVIES: Was there also a search for a 2-seater car?—Yes, which I cleared up.

You have been inundated with letters about this case?—Yes, I have had a good many.

What was the first date that you saw Mr. Humphris?—About the 24th or 25th of April.

Had you heard from him before?—No.

Can you tell us what the weather was on the night of the

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22nd?—I have already said it. I got wet through in the afternoon, and I was out in the evening.

You examined the body of Miss Wilkins and her clothing? —Yes.

The clothing was damp?—I said it was damp.

One of the officers thought it was the dampness of dew? —There was no dew that night. The dampness was due to rain, there was no dew; there was a high, drying wind.

How many specimens of handwriting have you sent on to Mr. Gurrin, the handwriting expert?—Only one, the prisoner's.

Were some letters which were sent to the *Daily Express* sent on to you?—One letter-card was. I got it through Scotland Yard.

Was that submitted to Mr. Gurrin?—No.

Now, on both parades there was a man very much resembling the prisoner?—I would not say very much; somewhat. I made a request that the same man should be on the parade on the second occasion.

From how many men did you obtain specimens of handwriting?—I could not say.

Did it run into fifty or sixty?—Yes, more than that.

And of all those you only sent one to Mr. Gurrin?—Yes.

I think one of your officers took possession at Allaway's house of a lady's nightdress?—Yes.

You have satisfied yourself that that nightdress was not Miss Wilkins'?—Yes, that nightdress came down from London. It was Mrs. Allaway's.

Were there other ways you could have gone to the spot of the murder?—Yes, many others.

Where is Burley?—Away in the New Forest, eight miles or more I should say.

Have you had any suggestions as to other people than Allaway having committed this murder?——

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The JUDGE: Is that admissible? I have pointed out already that the gossip, or suggestions made by people who are not here as witnesses, cannot be relevant.

Mr. FOX DAVIES: As your lordship pleases.

Re-examined by Mr. INSKIP: When did you yourself personally receive the information as to the number of the car?—Personally about the 24th of April.

Was that before or after the arrest of Allaway?—Before the arrest of Allaway. I suppose I ought to say I received a report actually about the 4th or 5th of January, but there was a considerable amount of correspondence, and it was filed as cleared up without my seeing it, and it was not until April when we were re-examining all the documents that it came to light.

The JUDGE: I suppose the officer can be found who had that report in January?—Yes, my lord, Sergeant Fisher.

By Mr. INSKIP: Was it after his arrest that you obtained undoubted specimens of Allaway's handwriting?—Yes.

It was not you who sent them to the expert, but the officer in the office of the Director of Public Prosecutions?—That is so. The whole of the documents were taken to the office of the Director, and they did that part of the case.

You have been asked about Burley. Would a car being driven from Burley to Bournemouth, or the other way, pass close to the scene of the murder?—No, three quarters of a mile away from the scene of the murder.

Examined by the JUDGE: I think you have not been asked about the contents of the attaché case. Was there a purse found in it?—Yes, my lord. It was a small purse.

Was there any money it it?—No, my lord, it was empty.

Is there a lock to the case?—Yes, my lord, but the lock was broken, and the catch was inside. I shook it out, and it is in this envelope. There were definite marks on the lid of a person's fingers.

It had been forced open?—Yes, my lord.

POLICE SERGEANT HARRY FISHER, recalled, was examined by Mr. INSKIP:

Did you receive a report from Mr. Humphris which gave the number of the car?—Yes, sir.

When did you receive that report?—On the 6th of January.

By the JUDGE: Was it a verbal report made to you by Mr. Humphris?—Yes, my lord.

And sent to Bournemouth by you?—Yes, my lord.

Cross-examined by Mr. FOX DAVIES: That was the first time you had seen Mr. Humphris?—No, I had seen him previously.

What had he told you?—He told me he had travelled from London on the 22nd of December.

Did he give you a description of the car on that day?—Yes.

What description did he give you?—He said it was a grey or a sea green car.

Is that all the description?—Very big headlights, very dazzling.

Anything else?—He said he saw the car leave the station and that he would recognise the driver and the lady sitting in it.

And you had that report on the 25th of December?—Yes.

Re-examined by Mr. INSKIP: He told you he travelled from London on the 22nd of December by a certain train?—Yes, he told me he came by the 4.30 from Waterloo, which arrived here at 7.3 on the 22nd.

WILLIAM PATRICK, duly sworn, was examined by Mr. INSKIP:

Do you live at Southbourne, and are you a male nurse to Mr. Sutton's invalid son?—Yes, sir.

From September, 1921, until the 11th of April last was young Mr. Sutton living at Beech Hurst, Beechwood Avenue?—We lived at Beech Hurst from early in 1916 until early in April of this year.

William Patrick.

Did you often go in Mr. Sutton's car with young Mr. Sutton?—Yes, on an average about three times weekly.

Do you remember a telegram being brought to your house on the 22nd of December?—Yes.

To whom was it addressed?—Wood, Beech House, Boscombe.

What did you do with it?—I gave it back to the maid and told her to tell the boy to take it next door to Beechwood House.

There was nobody called Wood living at your house?—No.

Do you remember where you were on the evening of the 22nd of December?—Yes, quite well.

Where did you go?—I was at the Boscombe Working Men's Unionist Club from half-past 5 until just after half-past 6.

It is within a few yards of the Portman Mews garage?—Yes.

Where did you go just after half-past 6?—I walked back to Beech Hurst, arriving just after quarter to 7.

Did you go back to the club that evening?—No, not at all.

I think you attended some other meeting at some other place?—Yes, I left the house again between 25 and 20 minutes to 9 and I attended a lodge meeting of the Buffaloes at the Portman Hotel, Ashley Road, and stayed there until the lodge closed at 5 minutes to 10.

Did you see the prisoner that night?—I have no recollection of seeing the prisoner that night.

Do you know where the prisoner was living at that time? Yes, just opposite the garage, in Haviland Road.

In the course of the drives that you have taken in the car have you ever driven through Iford Lane?—Yes, I have been through Iford Lane several times, entering both from the Iford Lane end and also from the Tuckton Bridge end.

By the JUDGE: When the prisoner was driving?—Yes, my lord, the prisoner always was driving.

Cross-examined by Mr. FOX DAVIES: As a matter of fact,

William Patrick.

you have driven down most of the roads in Bournemouth? —Yes.

There is no reason to distinguish Iford Lane?—No, it is only one of the many roads we have been through.

How far is the Portman Hotel from the Unionist Club? —About four minutes' walk.

Are you sure you were not in the club? You might have gone in?—I am certain I did not go in.

When was it you had some conversation with Allaway about his movements that evening?—On Boxing Day, the 26th of December.

Where did you have that conversation with him?—In the Boscombe Club.

What did he tell you?—Well, he told me that his wife had gone to the pictures, and he was indoors until about 8 o'clock. In fact, he told me that he went to sleep in his house.

Did he tell you that he went to the Salisbury Hotel?—Yes, he told me he went to the Salisbury Hotel after 8 o'clock.

You cannot drive a car, can you?—No, I never have done.

When were you asked to recall your movements on that day?—Not until after Allaway had been arrested.

It had not become important until then?—Yes, I had discussed my movements on the night of the 22nd of December on the 24th of December, because the telegram came to Beech Hurst on the 22nd. I discussed it with my wife.

Had you been out driving with Allaway on that day?—No.

When was the next time you saw him?—On the 26th.

You do play billiards?—Yes.

And snooker?—Yes.

At the Conservative Club?—Yes, that is the only place where I do play them.

You have played on No. 5 table?—Yes, I expect I have many times.

William Patrick.

Were you playing billiards at the club when you were there on the 22nd?—I was playing snooker on the 22nd.

Re-examined by Mr. INSKIP: Do you have to put your names down on the billiard sheet in order to play?—Yes, it is necessary to put your name down before you can claim a table. Very often your name is down half an hour, or even more, before a table is vacant.

Further cross-examination by Mr. Fox DAVIES: May I ask a further question? Who fills in the times of the games on the billiard sheet?—You are supposed to fill in the times you start a game yourself, but after 7 o'clock there is a billiard marker, and then it is his duty to see that the names and times are put down, and the losers pay.

And you were playing on No. 5 table that day?—Yes.

You did not fill this in on exhibit 62?—No, probably my opponent did.

Is this the time that you apply for the table?—No, the actual time you start the game.

ALFRED BRADFIELD, duly sworn, was examined by Mr. CLARKE:

Are you at present chauffeur to Mr. Sutton?—Yes, sir.

Did you succeed the prisoner on the 24th of April this year?—Yes, sir.

And did you go to reside at the house where he had lived?—Yes, but not quite at that time.

Before you went to live there, did you visit that house, 29, Windsor Road?—Yes, with the police sergeant.

When would that be?—About the 25th or 26th of April.

Did you find there a key?—I found a key on the ground floor, the front-room.

Is that the key, exhibit 75?—Yes.

Alfred Bradfield.

Having that key, did you go to the garage at Portman Mews the next day?—Yes, I had occasion to go there to get the car for Mr. Sutton.

Is a part of that garage where Mr. Sutton's car was kept enclosed by sliding doors?—Yes.

Are those doors secured by a lock?—By a padlock and a bolt inside.

Did you try that key on the padlock?—Yes. I put the key in the lock, gave the key half a turn, and the lock sprung open itself.

And on that day, or the next, you removed Mr. Sutton's car from the garage?—Yes, that same evening.

When you took over the situation what tyres was the car wearing?—On the near side rear wheel was a Michelin cable or over-sized Rover, and on the off side rear wheel was a Dunlop Magnum, also an over-sized tyre. On the near side front wheel was a Dunlop Magnum, ordinary size—that is, 820—and the off side front wheel was a Dunlop steel studded, 820, ordinary size.

Are any of those tyres still on the car?—The rear wheel Dunlop Magnum is still on the off side.

Does that leave any impress on the road?—Yes, it leaves a very good impression now.

Cross-examined by Mr. Fox Davies: Which door of the garage was it which you say was unlocked by this key?—The one nearest to the stables.

That is not the door opposite Mr. Sutton's car?—Yes. When I took over, Mr. Sutton's car was behind the door No. 5. There were two doors fastened by one padlock, the two doors nearest to the stables.

By the Judge: This locked 4 and 5?—I am not quite sure if it was 5 and 6.

By Mr. Fox Davies: The car has a Cape cart cover or hood?—Yes, it is what they call a one-man hood.

Alfred Bradfield.

Have you spoken to Mr. Lawman about it?—I told him it would not take me long to put up the cover.

He asked you to put it up, and you excused yourself by saying it would take some time?—No.

At this point the prosecution put in two models of the Portman Mews Garage, and Superintendent Garrett was recalled to explain the details to the jury. He explained that there were spaces for six cars at the back of the premises, with a door in front of each space, numbered 1 to 6, and when he visited the place there was only a lock on No. 6 door, which was the door nearest to the stables. In front of these six doors there was a covered space in which at night were housed cabs, vans, etc. The doors 1, 2, and 3 were fastened together from inside by hooks and eyes, and 4 was fastened to 3 in similar manner, as well as being fastened with a bolt straight through from outside. As a result, doors 1 to 4 were fastened on the inside. Nos. 5 and 6 were fastened by this padlock. The superintendent, however, pointed out that entrance to any of the compartments could be obtained from the stables at the right-hand side.

Inspector Brewer was also recalled to say that on the 8th of June he visited the Portman Mews Garage and he then found doors of Nos. 4 and 5 not secured. When those two doors were secured with the padlock, and the pin fastening No. 4 to a post was removed from inside, it was easily possible for the two doors to be moved along on the sliding runners. Sergeant Ellis, who was also present, slid them along easily. The pin on No. 4 could easily be removed after entering through the stables.

Police Sergeant JOHN ELLIS, duly sworn, was examined by Mr. Inskip:

You are a sergeant in the Hampshire Constabulary, stationed at Bournemouth?—Yes.

Police Sergeant John Ellis.

At 10 o'clock on the morning of the 23rd of December last did you, in company with Superintendent Garrett, visit the scene of the murder and take measurements of the place?—Yes.

Did you measure the distance from the junction of the Seafield Road and Iford Lane to a spot where there was a disturbance in the gravel path?—Yes, it was 30 feet from the junction of Seafield Road and New Road to the disturbance in the gravel path. There was a distance of 4 feet from the kerb to the motor track that has been spoken of. The gravel path was 7 feet 6 inches wide, and there was a grass plat 4 feet 6 inches wide, and then there was the wire fence surrounding the field.

On the 7th of January did you interview Allaway at Portman Mews?—Yes. He drove in with his car about 1 p.m. I was with a constable. I told him we were police officers and wished to examine his car. We examined the car, No. LK 7405.

What tyres had it then?—It had three Dunlop Magnum tyres, and on the near hind wheel was a Michelin.

Did you ask him anything about the tyres?—Yes, I asked him: "Have you changed the tyres since the 22nd of December?" and he said: "No, I have not."

By the JUDGE: You asked the question in the plural?—Yes, my lord.

By Mr. INSKIP: What else did you say?—I said: "I wish you to account for your whereabouts on the evening of the 22nd of December last." He then made a statement which I took down in my pocket-book as he said it, word by word. He said: "On the 22nd of December I finished with my master about 5.30 p.m. and got to the garage about 5.45 p.m. I went to my home and had tea with my wife, and from there at about 6.45 she went to the pictures and I went in the Conservative Club. I don't remember who I saw there, but I remember the night because I lent a man named Charlie Brooks ten shillings in the Salisbury. I left the club about 7.15 and

Police Sergeant John Ellis.

went back home, sat and read until 8, and then went back into the club. I arrived at the Salisbury at 8.30 and saw Brooks, who is a carman. I sat in the private bar of the Salisbury until 10. There was a fair-haired barmaid there. It is the bar on Palmerston Road. I have not had the car out at night since I took the butler to the station. It would be the 17th of December. I have never driven any other car down here."

On the 3rd of May did you go to 29, Windsor Road, where Allaway had been living, and get a letter, exhibit 43?—Yes.

Where was the letter?—It was in a room where his furniture was. It had all been removed to another room to make way for the new chauffeur.

The next day, in the presence of another police officer, did you show that letter, exhibit 43, to the prisoner?—Yes.

What did he say?—He read it and then he said: "I never wrote that letter. I had sprained my arm winding up my engine and I could not use it. The man who wrote it was named Bennett, a Royal Army Medical Corps man attached to us. I expect it was when we were at a place called Duren. I was serving in the 30th M.A.C. as a driver."

Before you showed him that letter had you asked him to write something else?—Yes, I asked him if he would write the three telegrams which I would dictate to him.

By the JUDGE: Was this on the same day?—Yes, my lord; just before I showed him the letter, exhibit 43.

By Mr. INSKIP: And you dictated to him the contents of the three telegrams of the 17th, 20th, and 22nd of December?—Yes, and he wrote them out.

And exhibits 44, 45, and 46 are what he wrote then?—Yes.

As you dictated them did you spell them at all?—No, I left him to do the spelling.

Take exhibit 45, the one to the Cavendish Bureau, do you remember how you read it?—In the ordinary way, beginning with the address, Cavendish Bureau, 12, Princess Street.

Police Sergeant John Ellis.

You dictated it as Princess Street?—Yes.

When he had written them what did you say?—"Is this your usual writing?" And he said: "Yes, why?" I said: "Some writing has come into our possession which is stated to have been written by you, which shows a slope, and this is upright." And then I showed him exhibit 43, and he made the statement I have just given.

May I ask you now about the other two telegrams. Take the first—to 29, Kingsdon Road, exhibit 46; in that is the word "advertisement" spelt without an *e* in the middle, as it is in the original?—Yes.

Then, in the next telegram, exhibits 7 and 45, is the word "pleasant" spelt without an *a* after the *e*?—Yes, in both.

Comparing exhibits 8 and 44, is "Thirlmere" spelt in both cases "Thirlmear"?—No, in one it is "Thirlemar."

The JUDGE: The *e* is put in after the *l*.

Cross-examined by Mr. FOX DAVIES: On the 7th of January Allaway gave you a description of his movements on the 22nd of December?—He did.

And when he was before the magistrates he called witnesses to establish the same story?—He called witnesses.

So far as you know, he has adhered to that story?—I cannot say he has contradicted it except where he said he could not remember whom he saw at the club.

The broad outlines are the same?—Yes.

You examined the car on the 7th of January?—Yes.

And the tools in the back of the car?—Yes.

And there were no stains or marks of blood on them?—No.

Did you examine his hands?—Yes.

And his clothing?—Yes.

I want there to be no mistake. The tyre mark which you measured in Seafield Road was 4 feet from the kerb?—Yes.

So if a witness says it was 6 inches from the kerb he must be mistaken?—Yes.

Police Sergeant John Ellis.

Or else he is referring to some other track?—There was no other track.

When you examined the car on the 7th of January were any of the Dunlop tyres steel studded?—The two front tyres were steel studded and very much worn.

What was the condition of the Michelin tyre?—Very good condition.

And the Dunlop?—In good condition, and so was the spare wheel; they were not new; they had been in use for some time, but the pattern was not worn to any noticeable extent.

GEORGE OWEN WILLIAMS, duly sworn, was examined by Mr. CLARKE:

Is your name George Owen Williams?—Yes.

Are you now a scaffolder, employed in Birmingham?—Yes.

During the War did you serve as a private in the 30th Motor Ambulance Convoy?—Yes.

Did you go to Duren with the Army of Occupation?—Yes.

Were you in Duren on the 23rd of January, 1919?—No.

Where were you?—Birmingham.

When were you demobilised?—The 19th of January, 1919.

In England or in Germany?—Germany.

In Duren?—Yes.

By the JUDGE: And you came straight home?—Yes, my lord.

By Mr. CLARKE: What name were you known by in the Army?—George Owen Williams.

Were you known to the company by any other name?—Yes, Bennett, but not by that company as I was aware of. I am known as Bennett in civilian life. My father was Bennett, a master plumber.

Did any of your friends in army life know you as Bennett?—They may have done.

George Owen Williams.

While you were at Duren did you know Allaway?—Yes.

Is that the prisoner here?—Yes.

While you were in the Army did you ever write any letters for any friends of yours in the Army?—No, not that I am aware of.

Was there, as far as you know, any other man who was called Bennett when you were there with Allaway?—Not as I know of.

Just look, will you, at exhibit 43, and tell me if it is in your handwriting?—No.

By the JUDGE: You did not write that letter?—No, my lord.

Cross-examined by Mr. FOX DAVIES: The name you went by in the Army was Brummy Williams?—Yes.

WALTER EUSTACE RANDALL, duly sworn, was examined by Mr. INSKIP:

Are you a tea salesman?—Yes.

Had you two vans which you kept at the Portman Mews?—Yes.

Did you see the prisoner there last December?—Mostly every day.

Do you remember hearing of the finding of the body of Miss Wilkins on the morning of the 23rd of December last?—Yes.

Do you remember whether you saw the prisoner the following day?—I saw him the following day, the 24th, in the early morning; it would be about 9 o'clock.

What was he doing?—He was changing a tyre on the Mercedes car. A detachable tyre was on the ground.

What did you do?—I immediately went into the tea-room in the enclosure in the garage.

How do you get into the tea-room when the doors are not open?—I go through that small door (indicating a sliding door in one of the models).

Walter Eustace Randall.

Do you want any assistance to slide the doors?—Oh no, they run quite easily; in fact, my son has done it, and he is only eight.

Cross-examined by Mr. Fox Davies: You saw a detachable wheel on the floor?—Yes.

Have you seen the wheels on the floor on any other occasion?—No, not to take any particular notice. I saw him change the tyre on the wheel on the floor that morning, and I asked him if——

Mr. Fox Davies interrupted the witness, asking questions about his vans. Witness said they were horse vans, and at night were housed outside the sliding doors of the garage.

When everybody's vehicles were all in, the place in front of the sliding doors would be packed pretty completely?—No, there was always an open space in between the two lots of vehicles; there was a space to get up the centre part.

By the Judge: Would there be a space outside the sliding doors?—Yes, my lord, in the centre where a car used to run in; Mr. Sutton's car.

Do you say that space has been left there as late as you have been there in the evening?—At 8 o'clock in the evening; yes, my lord.

Re-examined by Mr. Inskip: What time were you there on Thursday, the 22nd of December?—I arrived there at 6.30. I went to the post office and sent a remittance for the day to my firm, returning again at 7, and I was occupied there loading my vans until quarter to 8. I can remember getting home about 8 o'clock because I had to make up all my returns to catch the 8.30 post.

Had you either of the sliding doors open?—I had No. 6 open until quarter to 8. I went through the stable door and opened it. I have never known it locked. If it was not open I have gone in through the stable door, or else I have gone in through 2, 3, 4, or 5.

Walter Eustace Randall.

Was it necessary that night, or at any time, to get Mr. Barratt to come and unlock that door?—No, I have never known it locked.

By Mr. Fox Davies: Did you make any note of the date the tyre was changed?—It was my stock-taking morning, and I asked Allaway if he was taking his people away for Christmas. I know it was the stock-taking morning; it was very clear in my memory.

CHARLES EDWARD CLAYDON, duly sworn, was examined by Mr. Clarke:

Witness said he was a vulcaniser and tyre agent, and on the 2nd or 3rd of December, 1922, in response to a post-card, he saw Mr. Sutton at the Carlton Hotel, Bournemouth, about the tyres on his car. The tyres the car was then running on were Dunlop Magnums, and the spare wheel had a Michelin cable, which was very much worn. Later he had that Michelin tyre to repair, and it was relined about the 7th or 8th of December. It was brought back to the witness on the 27th of December by Mr. Sutton and the prisoner, with the complaint that the tyre was wearing badly. In consequence, witness sold Mr. Sutton a new Michelin, making him an allowance for the old one. The new tyre was ordered on the 29th of December, and it was sent round on the 30th, fitted on the spare wheel which Allaway had brought to witness's shop on the 29th.

Miss EVELYN WILSON CUTLER, duly sworn, was examined by Mr. Inskip:

Witness said she had been private secretary to Mr. Sutton since October, 1922. She knew the prisoner Allaway. He never arrived at the Carlton Hotel for Mr. Sutton before half-past 10 each morning. Witness herself arrived at 10, both at the Carlton Hotel and at Barton Close, and Allaway used to

Miss Evelyn Wilson Cutler.

arrive a good deal later than she did, until the early part of 1923 when his time was changed and he came at 10. The change was made about the end of January.

MISS LILIAN KATE DIPLOCK, duly sworn, was examined by Mr. CLARKE:

You are a sorting clerk and telegraphist in the employ of the General Post Office?—Yes.

On the 17th of December last were you engaged at the Boscombe Post Office?—Yes.

Would you kindly look at exhibit 6 and tell me if you received that telegram?—Yes.

What time was it that you received that telegram?—At 1.33.

Was it a man or a woman who handed it to you?—A man.

Did you notice how he was dressed, whether in civilian dress or a uniform?—It was my impression he was a chauffeur.

Did you have any conversation with him?—Yes, I queried the address, 29, Kingsdon Road. I said, "Is this sufficient address?" and he replied "Yes."

You were shown a number of men at the police station on the 6th of May and asked to pick out the man who had sent that telegram if you could?—Yes.

Did you see him?—I saw one that particularly resembled him. I really recognised him as a man I had served in the office.

Did you pick out the prisoner?—Yes, I was not absolutely certain.

But to the best of your belief he was the man?—As far as I can say.

Cross-examined by Mr. FOX DAVIES: You were asked if you could recognise anybody?—Yes, it was put to me: "Do you recognise anybody?"

You said at the police court: "I only recognised him as a

Miss Lilian Kate Diplock.

man coming into the office lately." That is what you said, and that was really what you meant. You did not identify him as the man who sent the telegram?—Not positively. I could not be certain of it.

He has been in the Boscombe Post Office frequently?—Yes.

Re-examined by Mr. INSKIP: Do you think you recognise Allaway as the man who sent the telegram on the 17th of December?—There is a similarity of build, but I really could not swear to the man who handed in the telegram.

MISS ALICE FRANCES WATERS, duly sworn, was examined by Mr. INSKIP:

Are you a counter clerk at the Bournemouth Post Office?—Yes.

On the 20th of December last were you serving at the counter there?—Yes.

Do you remember having handed to you a telegram for despatch, exhibit 7?—Yes.

What time was that handed in?—2.56 p.m.

Do you find any mark showing what time it was sent?—I think it is meant for 3.10.

Do you remember the occasion when that telegram was handed in to you?—Yes, distinctly.

Did any conversation pass between you and the person who handed it in?—Yes.

What sort of a person was it?—A man attired as a chauffeur.

Do you know who it was?—I am not absolutely positive, but I believe it to be the prisoner.

What conversation took place?—I pointed to the word "car" on the message, and asked the person what the word was, and he replied: "Car—car will meet."

Miss Alice Frances Waters.

Did you then write the word "car" at the bottom of the telegram for greater clearness?—Yes.

Did you give a description of the man to anybody after the 22nd of December?—Yes.

On what date?—I think I gave a statement on the 24th of December to Superintendent Garrett.

Were you afterwards transferred to the Boscombe Post Office?—Yes, early in February.

Did you see someone there who attracted your attention?—Yes.

Who was that?—The prisoner.

How did you recognise him?—It was his voice; it seemed to me to be the same that handed in that message.

Had you seen the man or heard his voice in between the two dates?—No.

Having recognised the voice, did you make a statement to anybody?—Yes, to one of the other clerks, Miss Clement.

On the 6th of May did you attend at the police station?—Yes.

For what?—For the identification of the man who handed in this telegram to me on the 20th of December.

Were the persons there drawn up in a line, and how dressed?—Yes, there were about eight or nine, I think, and they were dressed as chauffeurs.

Did you recognise any of them?—Yes, the man I believe handed in this message.

Who was that?—The prisoner.

Did you do something else to try and recognise him?—Yes, I asked if he could speak. The superintendent asked me what he was to speak, and I said: "Car—car will meet." I pointed to him before he spoke. After he had spoken the first time I asked if he might speak again so that I might be quite certain.

Did his speaking help to make your mind certain?—Yes.

Miss Alice Frances Waters.

By the JUDGE: What did you say?—I said there was a striking resemblance between the voice of this man and the man who handed in this message.

What do you say to-day?—To the best of my belief he resembles the man who handed me this message.

Cross-examined by Mr. Fox DAVIES: You are not prepared to swear on oath that he is the man?—No, I cannot do that.

He was a man who came into the Boscombe Post Office often?—I saw him there several times after a date in February.

You say he gave you the impression of being a chauffeur. What did you get that impression from? From his clothes?—It was not only from his clothes, but something that passed through my mind as I took in this message. It was mostly that.

Can you suggest any reason why it should pass through your mind?—When I read the rest of this message it passed through my mind that it was just the post which my sister was wanting at the time, and I looked up, and I thought: "Oh, the chauffeur handing it in, evidently."

IRENE CLEMENTS, employed at the Boscombe Post Office, gave evidence that on a date after Miss Waters came to work at that office in February, 1922, Miss Waters pointed out to her a man dressed in chauffeur's uniform. Later she herself saw the same man standing by a grey car, numbered LK 7405, and she pointed him out to Mr. Marritt, who got his hat and followed the man. The man Miss Waters pointed out was the prisoner.

CHARLES MARRITT, employed at the Boscombe Post Office, told how, after Miss Clements pointed a man out, he followed him to Portman Mews Garage. That man was the prisoner.

CLARA COURTNAY RAYSON, of Boscombe Grange, Boscombe, said that Boscombe Grange was a private hotel. No person by the name of Butler lived there, or was there on the 20th of December, 1922, when the telegram exhibit 7 was sent off from Bournemouth Post Office. No car was engaged to meet a train for anyone at Boscombe Grange that day. Witness only kept one manservant, who acted as kitchen porter. His handwriting in no way resembled the handwriting on exhibit 7.

HARRY BLANCHARD, duly sworn, was examined by Mr. INSKIP:

Witness said he was an electrician, and was employed on electrical work at Mr. Sutton's house on the 28th of December, on which date he saw the prisoner there.

Did you have a conversation with him?—I did.

You then knew about the murder?—Yes.

What did you say to the prisoner?—I asked him if he could account for his movements on the night of the 22nd, the night of the murder, and he replied: "I think so." And then he turned to the cook, who was there with me in conversation; he said: "I was in the car that night with you at 6 o'clock." The cook replied: "So you were, and you dropped me at the Boscombe Arcade." That is in the Christchurch Road, close to the Salisbury Hotel.

Was anything more said by either of you continuing the conversation?—I said: "I hope the police will soon find the murderer." He said: "I don't think they will; they will never find him." I then said that the police had several good clues, one being that they knew the mark of the tyres. Prisoner replied: "That is nothing to go by." The cook then asked him what were the make of the tyres on his car. The prisoner replied: "As a matter of fact, mine are Dunlop Magnums all round." I said: "The police are stopping all cars on the road for inspection." The prisoner replied: "They won't stop me, as I am going sick."

Harry Blanchard.

Cross-examined by Mr. Fox Davies: I put it to you that that conversation took place on the 29th and not on the 28th? —It was the 28th.

And the cook was there?—Yes.

Police Constable FREDERICK CLEMENTS, duly sworn, was examined by Mr. Clarke:

Are you a constable in the Hampshire Constabulary, stationed at Bournemouth?—I am.

Were you present when the prisoner was charged, on the 6th of May last, with this crime?—Yes.

Did you take the prisoner, after being charged, to the cells? —I did.

On the way did any conversation pass between you and him?—We got away about twelve yards, and he said: "Well, that's that." On arrival at the cells he said: "What about someone for my defence?" I said: "Do you wish to see someone?" He hesitated and then said: "No need at present. My brother-in-law will see to that for me." And then, after some hesitation, he said: "There is one thing, I can clear up every minute where I was on the night of the murder. If I had some paper I could write a statement about it." I said: "You can have some paper, but I must tell you that any statement you make will be used in evidence." I supplied him with about five or six sheets of foolscap, and was afterwards relieved by another officer.

When you saw him again the next day, Sunday, the 7th, did he hand you the statement which is marked exhibit 47?—Yes.

The statement was then read as follows:

"I, Thomas Henry Allaway, beg to state that I am innocent of the crime brought against me. On the night of the 22nd December 1921 I left my master house no 8 Clifton Road

Police Constable Frederick Clements.

Southbourne about 5.30 p.m. proceeding to my garage in Haviland Road Boscombe by way of Southbourne Grove. On my way I meet and picked up the cook from the house and gave her a lift as far as Ashley Road corner leaving her there. I proceeded to my garage arriving about 5.45. p.m. after putting the car away. Mr Barratt passed a remark about had it finished I said yes and went home to my tea. that was the last time I saw the car that evening

" After having my tea my wife said she would like to go to the pictures which she usualy done every Monday and Thursday. I left my lodgins with my wife and child about 6.45. p.m. and leaving her at the Working Man Club I promiss to meet her at 8.45. at the Salisbury Hotel.

" Whilst I was in the club I meet Mr Barratt and he ask me why hadnt I gone to the pictures I told him I did not care about them. We stood talking at the Bar untill he was ready to start a game of Billards with a friend name Mr Nicollis that would be about 7.15.

" I went and sat down to watch the play for a little while I then went out to get an *Evening News* from a boy who stand at the corner of Ashley Road and Haviland Road. I remmember the time quite well as I have to wait a few minute befor the paper came up about 7.20 to 7.30 p.m.

" After getting the *Evening New* I went back to my lodgins and sat by the fire reading untill about 8. oc. and befor going out I ask my landlord if he would like to look at the *Evening New* and I Borowed his *Echo*. I went back to my room. I didnot find much to read in the *Echo* so I made the fire up and went back to the Club which would be about 8.15. p.m. Whilst in the Club I remember seeing a Mr Patrick playing a game of Snooker on No. 5 table. I nodded to him but did not speak. I finished up my drink and left the club and took a gentle walk towards the Salisbury Hotel arriving there about 8.30 p.m.

Police Constable Frederick Clements.

"In the Salisbury I meet several people I knew and who I can call to prove I was there. My wife came in a little late about 8.55. and we stoped there untill 10. oc. after that we went home and was in bed by 10.30 the latest

"T. H. ALLAWAY."

(The Court adjourned for the day.)

THIRD DAY'S HEARING

(The Court sat again on Wednesday, the 5th of July.)

GERALD FRANCIS GURRIN, duly sworn, was examined by Mr. CLARKE:

Witness said he was a handwriting expert, carrying on a practice at Holborn Viaduct, London. He had made a special study of forged and disputed writings over a period of eighteen or nineteen years, and had been in practice about ten years. In this case he had had submitted to him a number of documents for scrutiny, among them the three telegrams, exhibits 6, 7, and 8, dated the 17th, 20th, and 22nd of December, 1922, for the purpose, if possible, of ascertaining the authorship of those three telegrams.

For the purpose of that examination have you compared them with other documents, exhibits 18 to 47?—Yes.

All of which are known to be in the prisoner's handwriting, with the exception of exhibit 43, which he denies?—Yes.

Have you taken photographs of the disputed telegrams and a selection of specimens of the prisoner's admitted handwriting?—Yes.

Do the prints of those now appear in the book of photographs marked exhibit 49?—Yes.

Witness proceeded to show how he had compared words and letters in the telegrams with similar words and letters in other documents known to be in the prisoner's handwriting. He had particularly compared the disputed letter, exhibit 43, with the known handwriting, and had found many similarities of style and spelling.

By Mr. CLARKE: Finding so many similarities, what conclusion do you draw?—It seems to me beyond all question that these similarities establish the two writings as being the same.

Gerald Francis Gurrin.

By the JUDGE: In other words, you come to the conclusion that exhibit 43 was written by the prisoner?—Yes, my lord, that is my conclusion.

By Mr. CLARKE: Have you compared the admitted handwritings before the murder with those after?—I have.

Do you find any alteration at all?—Yes, there is a distinct alteration. The majority of the documents written in 1918, 1919, 1920, and 1921 have a distinct slope to the right, whilst those, or the majority of those, written after the murder are upright, some even showing a slope in the opposite direction.

Exhibit 47, the written statement made to the police, what do you observe about that?—There the writing commences practically upright, and, as the document proceeds, the writing assumes a right-hand slope, until, as the end approaches, the right-hand slope is practically consistent.

Having, therefore, two different kinds of writing from the same person, you have had to make your comparison with the three disputed telegrams with both instances?—Yes.

You had to exclude the telegram, exhibit 6, because that has been copied over by some lead pencil?—Yes.

You can get the spelling there, but you cannot get the exact formation?—That is so, it is fairer to exclude it.

By the JUDGE: Before you pass from exhibit 6, I should like to know whether it is doubtful if there the word "if" occurs with a double *ff*?—I think there can be no doubt there is a heavier stroke.

You have the two *ff*'s in the original?—Yes, my lord.

Witness then, in examination by Mr. Clarke, drew attention to many similarities between the writing of the telegrams and the admitted handwriting of the prisoner, and particularly the handwriting of the letter written from Duren, exhibit 43. He also compared the spelling in the telegram with that in the other documents, particularly exhibits 43 and 47.

By Mr. CLARKE: Having regard to these similarities and mis-

Gerald Francis Gurrin.

spellings which you have referred to, what conclusion do you draw as to the authorship of the two telegrams, exhibits 7 and 8?—My opinion is that these two documents are in the same handwriting as the exhibits 18 to 47.

Cross-examined by Mr. Fox Davies: May I take it that the mistakes of spelling have impressed you more than the similarities in handwriting in this case?—No, they have not.

Mistakes in spelling are very common among people who have not to write much?—Do you mean particular mistakes or generally?

Generally?—Yes.

The word "iff" is a common mistake?—I should not say so.

Counsel then cross-examined the witness at great length upon details in the documents.

May I now put it to you, Mr. Gurrin, you do not swear that the telegrams, exhibits 7 and 8, are in the handwriting of Allaway?—No, I could only say that if I had seen him write. I have merely given my opinion that they are the same handwriting as the others.

You and I have been against each other twice?—Yes.

And in each case the result has not been in your favour?

The Judge (interrupting): It is not a question of being in his favour.

Witness was re-examined by Mr. Clarke, and agreed that the word "if" in the admitted handwriting of the prisoner was sometimes spelt with one *f* and sometimes with two.

Examined by the Judge: Look at exhibits 18 and 47, the application for a driving licence and the statement to the police. Do you see the word "car" in both documents?—Yes, my lord.

Now take exhibit 8, the telegram to Miss Wilkins, do you see the word "car" there?—Yes, my lord.

What do you say about the word "car" in those three instances?—If they were cut out and mixed up it would be

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almost impossible to sort them out again. There is a difference in the *r* in one instance, but the whole word is very similar.

These three documents were handed to the jury for them to scrutinise the word "car" in each document.

Mr. INSKIP: That is the case for the prosecution.

The JUDGE: I want to ask Mrs. Sutton a question.

Mrs. ARABELLA CONSTANCE SUTTON, recalled, and examined by the JUDGE:

After the prisoner left your service, did you go to his lodgings in Windsor Road?—Yes.

How soon after?—The same morning, my lord.

That was about the 24th?—No, my lord, it was the 21st of April.

Did you find any tool there?—Yes, I found a screw hammer and a spanner. This is the screw hammer (exhibit 78), and this is the spanner (exhibit 79).

THE DEFENCE

Mr. Fox DAVIES, opening the case for the defence, paid a tribute to the police, and counsel for the Crown, for the scrupulously fair manner in which the case had been placed before the jury. In all that he himself would say for the defence, he did not in any way wish to diminish the fact that a horrible murder had been committed, nor did he wish to add one pang to the grief which the family of Miss Wilkins must feel. He would say at the outset that his case would be that, horrible as this murder was, Allaway had nothing to do with it. He first criticised the evidence which had been adduced by the prosecution, and argued that the evidence by which it was sought to connect Allaway with the murder was far from

conclusive, and, he would contend, not such as would justify the jury in finding a verdict of guilty. But, beyond that, Allaway's defence was an alibi; that whoever committed the murder he did not, and that, in fact, he was elsewhere at the time. Evidence would be called to establish that alibi, and, not only an alibi for Allaway, but an alibi for the car also. The story he would tell in the witness box would be the same story he had told from the very beginning. The police had had every opportunity of testing that story. The proprietor of the garage where the car was kept would be called, and other witnesses besides, to show that the car was in the garage from about 6 o'clock that evening. Allaway would say where he was the whole of that evening, and his story would be corroborated by his wife and other witnesses. Counsel, however, admitted that the defence were in a difficulty because of the impossibility of proving at what hour the murder took place, but, if he could show the jury that the whole of Allaway's time could be accounted for from 6 p.m. until he went to bed, he would then have demonstrated that Allaway could not possibly have committed the crime. He should contend that the murder must have taken some time to commit, and that, therefore, it could not possibly be fitted in with Allaway's movements, hence he should submit with confidence that he ought to be found not guilty of the charge.

Mr. Fox Davies said he wanted to call a Mrs. Dundee, wife of a Colonel Dundee, but she was not well enough to come to the Court to give her evidence, and so he asked that his lordship would hear the evidence of her doctor, and, upon that, grant permission for her deposition to be read.

Dr. WALTER SILVERWOOD RICHARDSON, F.R.C.S., duly sworn, said he was the medical attendant of Mrs. Dundee, and he had seen her the previous day, when she was suffering from pleurisy. Witness was cross-examined by Mr. Inskip, and admitted that although it might cause her some pain to come

Dr. Walter Silverwood Richardson, F.R.C.S.

to the Court, it would not be dangerous to her health to do so. His lordship therefore declined to dispense with her attendance.

Mr. Fox Davies: Your lordship has a wide discretion.

The Judge: Not outside the Statute. I have no discretion to go outside the words of the Statute.

Mr. Fox Davies then called the prisoner.

The Prisoner, THOMAS HENRY ALLAWAY, duly sworn, was examined by Mr. Fox Davies:

Your name is Thomas Henry Allaway, you are 36 years of age, and you are a chauffeur?—Yes.

Were you married on the 17th of May, 1913?—Yes.

You were in the Special Reserve Mechanical Transport before the war?—Yes.

You were mobilised in August, 1914, and went to France, and eventually were at Duren in the Army of Occupation?—Yes.

I think you were at Duren before Christmas, 1918?—About three weeks before.

Do you remember an accident you had whilst you were at Duren?—Yes.

What was that accident?—My engine back-fired and sprained my wrist.

By the Judge: When was that?—Just before Christmas, 1918.

By Mr. Fox Davies: Because of that accident did you get someone to write for you?—Yes, I got about three letters written for me about that time.

Who were they written by?—By a R.A.M.C. orderly.

What was his name?—He was known to me by the name of Bennett; he was known to the company as Bennett.

Was the man you knew as Bennett the man named George

Thomas Henry Allaway.

Owen Williams who gave evidence?—No, he was the company cook. He was a lance-corporal.

Brummy Williams?—Yes.

Look carefully at that (exhibit 43). Is that in your handwriting?—No, it is not.

What reason have you for thinking it is not?—Because I never used a piece of paper of that size, for one thing, and the writing is not mine. If my wife had a letter like that from me she would think she had a book to read. I always used just a small sheet of paper, one of those folding up, with envelopes and all complete.

When did you begin work with Mr. Sutton?—On the 14th of January, 1920.

And you were with him from January, 1920, until April, 1922?—Yes, that is right.

Let me deal with the tyres. Where were you with Mr. Sutton before you came to Bournemouth?—St. Andrews, in Scotland.

Did you or he buy any tyres in Scotland?—I ordered them from the garage.

Did you buy any from Andrew Duncan and Sons?—Yes, one.

By the JUDGE: What?—A Dunlop Magnum, my lord.

By Mr. FOX DAVIES: Do you remember the date?—September, 1921.

Do you know a firm named Christie Bros.?—Yes, I used to be garaged with them in 1920. In 1921 I garaged at another place, but I dealt there.

Did you buy any tyres there?—Yes, in 1921, May and June.

What did you buy there?—Also two Dunlop Magnums.

Did you buy any tyres in London, of Anderson?—Yes, I think we did have one the early part of 1921, some time before we went to Scotland in May.

Thomas Henry Allaway.

By the JUDGE: Before you went to Scotland you were in London?—Yes, my lord.

By Mr. FOX DAVIES: When you went to Scotland were you driving as Mrs. Sutton has said you did at Bournemouth?—Yes.

Morning and afternoon?—Yes.

Did you drive in the evening as well?—Yes, up to 7 o'clock in the evening.

What is your estimate of the mileage which you did every week?—It used to vary from 800 to 1,000 a month. I have done as much as 1,000. I used to take it by the month; I did not take it in the week. It was a fair average of 800 to 1,000 miles a month.

Were you doing as much when you came to Bournemouth?—Not quite so much. Between 600 and 700 there.

It is not disputed that you came to Bournemouth in October, 1921?—Yes, on the 17th of October.

Have you a child?—Yes.

Where did you and your wife and child go to live?—We went to live first of all at 103, Haviland Road. That is practically opposite the Portman Mews, just across the road.

And the Portman Mews was where the car was garaged?—Yes.

Mr. Sutton was living at the Carlton Hotel?—Yes, he went straight there.

At that time was his invalid son living there?—Yes, at Beech Hurst.

You knew the house quite well?—Yes. I had been there in other years, twice a year.

You were constantly at that house?—Yes, every day.

Did you drive Mr. Sutton's son out every day?—No, only occasionally. We called there every day but we did not take the son out every day.

What were your hours?—I had fixed hours when I went

Thomas Henry Allaway.

to Bournemouth. My hours were 10.30 when he went to the Carlton.

That means you had to arrive there in time for 10.30?—Yes.

Was there any fixed time for your lunch?—No fixed time at all.

What was it approximately?—Between 1 and 1.30.

How long were you allowed?—It just depended. Sometimes he would say, "Come back as soon as you have had your lunch," and at other times he would give me a set time.

What time did you usually return to the Carlton Hotel after lunch?—About quarter to 3.

What time were you usually at liberty?—That used to vary; anything between 5 and 6. Whilst at the Carlton I used to finish fairly early.

Had you any authority to use the car for your own purposes?—None whatever.

And you never did?—No, I never took it out without Mr. Sutton's authority.

When Mr. Sutton went to live at Barton Close were your hours altered?—Yes, they were, the first morning. No, it was the morning before. I had to pick Mrs. Sutton up on the morning of the 20th of December at 10 o'clock.

Were your hours altered permanently?—No, not permanently, Mr. Sutton used to tell me overnight.

Was any permanent alteration made in your hours after that?—No, I have been there as early as half-past 9.

You frequently had to drive to Mrs. Sutton's sister?—Yes.

She lived at Branksome Park?—Yes.

How often did you go there?—Once a week at least, always on the Saturday.

Is Mrs. Sutton correct when she says that up to Christmas you used to wait outside La Chaumine with the car, and since

Thomas Henry Allaway.

Christmas you went in to tea?—I have had tea inside, but I don't know when I started going inside.

Mr. Sutton was at the Carlton Hotel on the 17th of December?—Yes.

Can you remember what time you had lunch that day?—No, I cannot.

Will you look at that carefully (exhibit 6). Did you write that?—No, sir.

Did you send it off?—No. I have not looked at it before. I have seen it handed about the Court, but this is the first time I have handled it.

Do you remember where you were at 1.30 that day?—No, I cannot say.

Do you know where you were at 2.56 on the 20th of December?—I would be at Barton Close.

Will you look at that telegram (exhibit 7). Examine it carefully. Did you write that telegram?—No, sir, I did not.

Now exhibit 8. Look at that telegram. That is dated the 22nd of December, two days after Mr. Sutton moved to Barton Close. Do you remember where you were at 10.17 that morning?—I was at Barton Close.

Did you write that telegram?—No, sir.

Did you send it?—No, I did not send it either.

Had you taken members of Mr. Sutton's family to the station between October and Christmas?—Yes.

How many times, about?—About half a dozen times.

By the Judge: To which station?—To Bournemouth Central, my lord.

By Mr. Fox Davies: You knew your way about Bournemouth?—Just the main streets.

Have you ever had to ask your way to the station?—No.

Do you know the difference between the up and the down platform?—Yes, I have been to both.

What were your duties with regard to the purchase of news-

Thomas Henry Allaway.

papers?—When we arrived at the Carlton Hotel Mr. Sutton told me to bring him a *Daily Express* every morning until he told me otherwise.

Where did you purchase that paper?—At Samways' shop.

Had you a regular time for buying it?—No, no regular time, but it used to be about 8 o'clock in the morning.

From whom did you purchase this paper as a rule?—From old Mr. Samways as a rule. I have never seen the young one there at that time in the morning.

Have you been in that shop for other purposes?—Yes, for tobacco and cigarette papers.

Who used to serve you then?—Young Mr. Samways.

So he would be quite familiar with you, then?—Yes, I have had a conversation with him in the shop more than once, when the car stood outside.

Have you ever bought any other paper than the *Daily Express* from him?—No, sir.

Have you ever bought a *Morning Post* there?—No, sir.

Do you know Mr. Da Costa?—No, I do not know him.

Did you ever have a conversation with him in Mr. Samways' shop about backing a winner?—No, sir.

The Judge: All that has been said is that such an observation was made, but no one has suggested that there was any reply to it.

Mr. Fox Davies: Your lordship is accurate.

Did you go out with Mr. Sutton in the car on the morning of the 22nd of December?—Yes, I did.

Do you remember what time you got back to lunch that day, Thursday?—No, I cannot remember whether I was early or late.

Were you wanted early or late at Barton Close that afternoon?—I was wanted early. Mr. Sutton told me to get back as soon as I had had my lunch, and I went back as soon as I had had it. I always did as soon as I had had my lunch.

Thomas Henry Allaway.

Do you remember what time you were at liberty that afternoon?—At 5.30.

It had been raining that day?—It had.

Where were you discharged?—At Barton Close.

How long, ordinarily, did it take you to drive from Barton Close to the garage?—First I had to go to the other end of Southbourne to order a *Bournemouth Echo* to be sent to Mr. Sutton every evening. On the way back, going through Southbourne Grove, I saw the cook, and I gave her a lift to Boscombe Arcade. I pulled up and asked her if she wanted a lift, and she said she was going to Boscombe Arcade, and so I gave her a lift there.

By the JUDGE: What was her name?—I do not know. She was only there a short time. She was called Mary.

By Mr. FOX DAVIES: Do you remember what time you put the cook down at Boscombe Arcade?—I should think it would be about 5.45, roughly, but I cannot tell for certain.

Then where did you go?—I went to the garage.

What did you do with the car?—I drove it straight in, into No. 4 opening, and then sponged and leathered it over.

How long did that take you?—About a quarter of an hour.

Then where did you go?—Home to my tea.

Did you make any change in your clothing?—Yes, I put this jacket on instead of my uniform jacket.

And what about your hat?—I left my uniform hat at the garage and put on my trilby. I had two hats, a black felt one and a light felt one. I put on the light one.

Had you any place in the garage to keep your tools?—No, no particular place.

Did you carry any tools on the car?—Yes.

By the JUDGE: Had you the usual tool-box on the car?—Yes, my lord, the usual kit of tools for a car.

By Mr. FOX DAVIES: Where were other tools kept?—In the garage along by the wall, on the floor.

Thomas Henry Allaway.

Look at this spanner and screw-hammer. Are they your property?—They belong to the car. There should be some more spanners, similar ones.

At what date was that screw-hammer sent to your address?—I do not know the date, but some time in February.

Where had it been before?—Stored at Barkers in London. It was left behind with my furniture instead of going with the other garage tools.

So that these two tools were not in your possession in December?—No.

Let us get back to the 22nd of December. When you went home to tea, how long did you stay at home?—Over half an hour.

Was your wife there?—Yes.

Did you give your wife any money that evening?—I did.

When you had had your tea did you go out again that evening?—Yes.

Do you remember what time?—Between 6 and 7 o'clock; well, between quarter to 7 and 7 o'clock.

Did you go out by yourself?—No, I went out with my wife and daughter.

Where did you go?—I went across to the entrance of the Working Men's Club.

When you got there, what happened?—I went inside, and my wife went to the pictures. We stayed there a few minutes talking.

Did you make any arrangement to meet your wife afterwards?—Yes, we were to meet at the Salisbury Hotel somewhere about quarter to 9.

When your wife left you to go to the pictures, where did you go?—Into the club.

Do you remember which room you went into?—The billiard-room; it is one big room.

Thomas Henry Allaway.

Do you remember anybody being there at that time?—Not at that time when I went in; nobody I knew.

How long did you remain in the club on that occasion?—About three-quarters of an hour.

What were you doing there?—I was watching the billiards for a time.

Where did you go when you left the club?—I went back to my lodgings.

Did anything happen?—I met a Mr. Barratt previous to leaving the club, old Mr. Barratt.

Did you see anybody else in the club?—I saw Mr. Nicholls and Mr. Barter in there after I had been there some time.

What time did you leave the club?—I think it was about half-past 7; I did not take particular notice.

Did you buy anything after you left the club?—Yes, an *Evening News.*

What did you do then?—I went to my lodgings. I went into my sitting-room—we had a sitting-room downstairs—lit the gas, sat down, and read the paper.

Do you remember how long you were at home then?—Not exactly, but I stopped long enough to read all I wanted to read in the *Evening News;* twenty to twenty-five minutes, perhaps.

Do you remember anything else?—Yes, we were looking for some unfurnished rooms, and I saw an advertisement in the paper, and it struck me that there might be some advertised in the *Bournemouth Echo,* and so I went to my landlord, Mr. Barter, and said, "I have read my *Evening News;* can I borrow your *Echo?*"

Was that the same man you had seen just previously in the club?—No, that was his son.

What time did you leave your lodgings?—It would be about 8 o'clock, or a little after. I did not take any notice of any particular time, but it would be about 8 o'clock.

Thomas Henry Allaway.

Where did you go from your lodgings?—I walked across to the club again.

Did you see anybody you knew there then?—No, it was getting packed; you could hardly move. There were all the prizes laid out. They were giving Christmas prizes for the billiard handicaps and I should think every member belonging to the club was there.

How long did you stay that time?—I just walked in and out again. I was going to have a drink, but I could not get near the bar.

When you left the club then where did you go?—I walked slowly up Ashley Road to Christchurch Road, turned down Christchurch Road, walked up by the Hippodrome, turned down by the Salisbury, but I did not go into the Salisbury then. I was trying to decide whether to go into the pictures for an hour with my wife, or to go into the Salisbury.

Which had it in the end?—I went into the Salisbury.

By the JUDGE: What time was that?—About quarter past 8, but I did not take any particular notice about the time.

By Mr. FOX DAVIES: How far is it from your lodgings to the Salisbury?—If you took your time you do it easily in six or seven minutes.

Which bar did you go into?—Into the private bar in Palmerston Road.

How were you dressed?—In this sports coat, breeches and leggings, a brown mixture overcoat, and trilby hat.

That would be the same clothes you left the garage in?—No, I left the garage in my uniform; I changed at home.

Who was serving in the private bar?—Miss Shaw.

What colour hair has she?—Very fair.

Prisoner then described his doings in the bar, meeting Arthur Barrett there, and the arrival of Mrs. Allaway at 5 minutes to 9. He also said he remembered seeing there a

Thomas Henry Allaway.

Mr. and Mrs. Brooks, and he lent Brooks ten shillings. He and Mrs. Allaway left the Salisbury Hotel at 5 minutes to 10 and returned to Ashley Road, where Allaway went again into the Working Men's Club for a few minutes, his wife waiting for him at the corner of the road. After three or four minutes he left the club, and they both went to their lodgings and went to bed about half-past 10.

By Mr. Fox Davies: Did you go out again that night?—No, I went to bed.

Now will you look at that key, which is said to have been found on the floor at your lodgings at Windsor Road after you had gone from there. Have you seen that key before?—No, it does not belong to me.

Do you remember which day, in the week before Christmas, you went to La Chaumine?—No, I do not know what day it was. I do not remember going there before Christmas.

You see this attaché case. Did you throw that into the laurels outside La Chaumine?—No, sir. The first time I saw that attaché case was at the police station.

Did your duties sometimes take you to Boscombe Post Office?—Yes, several times a day; especially at Christmas time.

On the 22nd of December did you take Mr. Sutton's car, or any car, to Bournemouth Central Railway Station?—No.

Did you meet a lady there?—No.

Did you ask anybody the way to the down platform?—No, sir.

Did you murder Miss Wilkins?—I did not.

Do you know anything at all about her murder?—Nothing whatever.

The witness Randall has said he saw you change one of your tyres. Is that so?—No.

You never changed one?—No, I have never changed one since we have been in Bournemouth.

Thomas Henry Allaway.

The JUDGE: I think the witness said on the 24th of December?

By Mr. FOX DAVIES: You never changed one on any day?—No, I never had a tyre to change.

He says he saw the spare wheel on the ground. Is that correct?—It may have been. I may have been cleaning it.

Where, exactly, was Mr. Sutton's car usually kept?—It was usually kept behind No. 4 door, if I remember rightly.

Was there any other car kept between your car and No. 4 door?—Yes, a motor cycle and a sidecar was always kept there.

We have heard that a space was left for you to drive in?—Yes, straight through.

Was that space filled in afterwards with other vehicles?—Yes.

Immediately?—Yes, sometimes they would be waiting for me to come in.

What vehicles came first?—They were not the same every night; anything that came first; mostly vans first.

Had you any key to the garage?—No.

Was it part of your duty to lock up the doors?—No, I never closed them even.

Have you ever had occasion to go in through the stable?—Yes, I very often went in that way.

Had you any key to the stable?—No, none at all.

The garage belongs to Mr. Charles Robert Barratt?—Yes.

What is the name of his son?—Arthur Victor.

Who is Troke?—He is one of Mr. Barratt's employés, he is a stableman.

Who is Mr. Girling?—He is a coachman there.

Who is Mr. Miles?—Another coachman.

They are employés of Mr. Barratt?—Yes.

Did you ever point out to Patrick the place where the attaché case had been found?—I did.

Thomas Henry Allaway.

How did you know the place?—I first saw it pointed out to Mr. and Mrs. Sutton by Mrs. Sutton's sister.

Were you ill at any time during the Christmas?—Yes, I was ill Christmas Day and Boxing Day.

Were you at work on those days?—No, I was excused. I rang up and Mr. Sutton said, "Ring up to-morrow if you are not better." I rang up next morning, and told him I did not feel quite fit to take the car out.

What was the matter with you?—I had the diarrhœa very bad.

Did you have a doctor?—Not those two days.

What about the 27th?—I went out on the 27th.

Did you go out on the 28th?—No, I did not. I rang Mr. Sutton up in the morning and told him the diarrhœa had returned, and he advised me to see a doctor.

Did you see a doctor?—I did, Dr. Bottomley.

Did you get any medicine?—I got a prescription, and a certificate to give to Mr. Sutton.

Did you have the prescription made up?—No, I went to a chemist, and he recommended something else.

So you got a bottle of medicine from the chemist?—Yes.

Did you take it?—Yes, I took it all.

Do you know Blanchard?—No.

Wait a minute before you say that. Blanchard is a man who says he was doing electrical work at Barton Close. Do you remember him now?—No.

You heard him give evidence?—Yes, I heard him give evidence.

Did you have any conversation with him about where you were on the night of the 22nd?—No, none whatever. I do not remember ever speaking to the man.

By the Judge: Are you prepared to swear that?—Yes.

You are?—Yes.

Thomas Henry Allaway.

By Mr. Fox Davies: You say you were not at work on the 28th?—No.

Did you have a conversation with anybody when it was said the cook was in the car with you that night?—I do not remember any conversation about it in the house.

Did you ever say you did not think the police would find the murderer?—No, I never had any conversation in the house.

Did you ever say, "As a matter of fact, my tyres are Dunlop Magnums all round"?—No.

You usually went into the Salisbury Hotel most evenings?—Yes.

When did you yourself first hear of the murder?—On the Friday evening, the 23rd.

Did you have any conversation with Miss Shaw about the murder on the 23rd?—Yes.

Do you remember what the conversation was?——

The Judge: How is this evidence?

Mr. Fox Davies: I submit that anything which this witness says may be given in evidence, and it is of importance because I shall ask Miss Shaw to corroborate the fact that it was mentioned on the 23rd where he was. I submit that that is evidence.

The Judge: On what ground? How can you suggest his conversation to Miss Shaw is evidence?

Mr. Fox Davies: Anything this man says can be given in evidence against him.

The Judge: Against him, yes. Any admission, of course, is always evidence, but a person cannot make evidence for himself by making a statement to another person.

Mr. Fox Davies: Surely if it could be given in evidence against him it could be given in his favour. If he had admitted it to Miss Shaw that would have been evidence.

The Judge: Certainly.

Thomas Henry Allaway.

Mr. Fox Davies: Therefore a statement to the contrary is equally evidence.

The Judge: If you look at any elementary textbook on evidence you will find that is just the distinction. Anything he says in admission may be evidence; anything he says in his own favour is not evidence.

Mr. Fox Davies: As your lordship pleases.

By Mr. Fox Davies: Had you ever seen Mr. Humphris before he gave evidence?—No, sir.

Did you stop newspapers when they blew away at Bournemouth Central Station?—No, sir.

The Judge: He has said he was not there.

Cross-examined by Mr. Inskip: When you came to live at Bournemouth first of all you stayed at 64, Ashley Road?—Yes.

What is the name of the lady who keeps that house?—Mrs. Groom.

How long did you stay there?—About a fortnight.

You went from there to Haviland Road?—Yes.

Did you move your things from Mrs. Groom's house in Mr. Sutton's car late in the evening, between 8 and 9 o'clock?—Yes.

By the Judge: Was it as late as that?—No, it was not as late as that. It was not so late as 8 o'clock. I went straight from Mr. Sutton and got my things. I had finished at 5 or 5.30.

By Mr. Inskip: So if I suggest it was between 8 and 9 you say it was between 5 and 6?—It was more like 5 and 6. It was when I left Mr. Sutton. I did not put the car away. I went straight there and got my things and took them to Haviland Road.

Was it some time in November you left to go to Haviland Road?—Yes, early in November.

Had you made arrangements with Mrs. Groom for your wife to stay there with you?—Yes.

Thomas Henry Allaway.

And after you had made that arrangement did you tell Mrs. Groom that you had to go to live at the Carlton Hotel with Mr. Sutton?—Yes.

And that you had to sleep in the dressing-room? Was that true?—No.

Why did you say it to her?—I did not want to disappoint her, and I did not care to tell her, and so I told her that. Her rooms were too expensive for me.

Was it your practice, when Mr. Sutton was at the Carlton Hotel, for you to take him for a ride in the morning, and then for you to go away for your lunch?—Yes.

And practically every day the time for your lunch was between 1 and 2.30?—Yes.

Did you always go home for your lunch?—Yes, always.

On the 17th of December do you remember whether you were at your own house for lunch between 1 and 2?—No.

At any rate, you were never at Barton Close, or the Carlton Hotel, at 1.30?—No, anything from 1 to half-past used to be my lunch time.

The 20th of December was the date Mrs. Sutton was at Barton Close and Mr. Sutton was at the Carlton Hotel. Did you take Mrs. Sutton to the Carlton Hotel for lunch?—I took her there early that morning.

Did you take them out for a drive that morning?—No. On the night previously Mr. Sutton ordered me to be at Barton Close at 10 o'clock to take Mrs. Sutton to the Carlton Hotel.

Did you go to fetch both of them after lunch to take them for a drive?—I did.

Do you remember what time you reached the Carlton Hotel for the drive?—It would be late in the afternoon.

A little later than usual?—Yes.

I want you to remember the evidence so that I shall not catch you. Mrs. Sutton said she was in late for lunch; she said

Thomas Henry Allaway.

it was after 3. Do you remember whether that was right?—It was after 3 before they went out.

And until they went out you were alone with the car?—No.

Whom had you with you?—Mrs. Sutton says, "Come back as soon as you have had your lunch," and I went back and got some of the luggage, took it to Barton Close, came back to the hotel, and took them out afterwards.

And you were in Bournemouth, after you came back, until they went out?—Yes.

Then why did you tell my learned friend that you were at Barton Close at 2.56?—I was there for the luggage.

What time did you get back to the Carlton Hotel from Barton Close?—I couldn't tell you what time it was. I did the journey in between my lunch and Mr. Sutton going out.

Then you don't know whether you were back at the Carlton Hotel at 2.56 or not?—I must have been at Southbourne. I had a car load of luggage to unload by myself.

After Mr. Sutton's removal to Barton Close, used you to fetch him each morning about half-past 10?—When they came to Barton Close my time changed from half-past 10 to 10 o'clock.

You say you were there punctually at 10 o'clock every day?—Mr. Sutton used to remark if I was after 10 o'clock.

You know the 22nd of December is the second day they were there?—Yes, my time was changed as soon as ever we went to Barton Close.

And do you say that on the 22nd you were there punctually at 10 o'clock?—Yes, a few minutes before.

Did you hear your wife give evidence at the police court?—Yes, I did.

Did you hear her say that you left home on the 22nd at 10 o'clock?—No, I did not hear that.

Thomas Henry Allaway.

If she did say that you do not agree with it?—No.

I put it to you that half-past 10 was the usual time?—No, it was at the hotel, but not at Barton Close. It changed at Barton Close.

With regard to the time in the evening, do you say that never, except on one occasion, were you out with the car after half-past 5?—I was out on several occasions after half-past 5.

How late do you say you were out with the car in December?—When I went to the station I should think it would be about 7 o'clock.

Do you remember meeting Mrs. Sutton when she came from London?—Yes, I think she came by the 4.30 from Waterloo.

Was that the usual train she caught?—She caught it on two occasions.

If I suggest that she came by a train arriving about half-past 8, are you prepared to say it is not true?—I do not think I was ever out that late.

When you were out up to 7 o'clock did you find people waiting for you at the garage?—Nearly always when I was late.

How many people?—Mr. Barratt and the coachman; they were waiting to put their things in.

Do you mean to say that there were three or four people waiting for you?—They were all waiting about doing nothing.

Was not a space always left for you to run your car in?—Yes, all the things were left there until I got in.

Do you suggest that people waited about until you got in?—Yes.

Was Mr. Barratt there?—Some nights. He did not always lock up.

Have you seen him lock up?—Yes.

Thomas Henry Allaway.

Which door?—No. 4 and another, with a padlock.

Are you sure you have seen two doors locked together?—Yes.

Did you ever see him lock No. 6?—Yes, I have seen him lock it several times, and also unlock it.

Did you ever borrow a key from Barratt?—No.

And you never had a key?—No.

Did you ever go through the stable door to get your car out?—Yes, if the sliding doors were not open.

Generally speaking, you were off by half-past 5?—Sometimes I did not get in until half-past 5, and then I would have to clean it and put it in.

Did you ever go back to your car in the evening?—No, when I come out I am finished.

So you did not want to go through the stable doors in the evening?—No.

Did you ever go in the morning before these doors were open to clean your car?—Never.

Then when was it you had to go through the stable doors?—It would be on a Sunday morning; on other mornings they would be open.

By the JUDGE: Only on Sunday mornings?—Yes.

Will you swear that you have never been in through the stable door except on Sunday mornings?—Yes.

By Mr. INSKIP: Who unlocks the doors on Sunday mornings?—Mr. Barratt.

At what time?—I do not know. Perhaps I may not get there till 10 o'clock.

Do you say you did not go there before 10 o'clock on Sunday mornings?—I went there at all times. It takes me about half an hour to clean my brass.

Is it your suggestion that you could not get your car out until Mr. Barratt came?—No, I have had to wait for him to open the telephone box. He has got the keys of everything.

Thomas Henry Allaway.

Is that where you telephoned from?—Yes, nearly always.

On the night of the 22nd of December did you sponge your car or not?—I did.

Did you go straight home after sponging your car?—Yes.

When you got home did your wife say that you were late?—She said words to that effect.

Were you usually late?—No.

Did she say, "You are late, Tom"?—I have no recollection of it.

Did you give as an excuse that you had been Christmas shopping?—I may have done. We had been Christmas shopping.

Did you tell her that *you* had been Christmas shopping.—No.

Then I understand you to say that you were not late that night?—Not later than usual, just a few minutes after 6. We had been Christmas shopping. I mean Mr. and Mrs. Sutton, not myself.

Did you give that excuse for being late?—Yes, that is when she asked me about being late.

Was your wife waiting to go out to the pictures that evening?—Yes, she was wanting to get away; that was her usual night.

Do the pictures begin at 6 o'clock?—I do not know; I do not often go.

Had your wife a regular day for going?—Mondays and Thursdays.

Was she waiting for you to give her the money?—She was.

And she would be at the pictures until 8.30?—Until 9.

And you did not go to the pictures?—No.

After you left your wife or she left you, you went into the Conservative Club?—Yes.

What time did you promise to meet your wife?—8.45, or thereabouts.

Thomas Henry Allaway.

Where?—In the Salisbury Hotel.

Is it not a fact that you had to meet your wife at 10 minutes to 8?—No.

Did you ever tell Mr. Barratt that you had to meet your wife at 10 minutes to 8?—Yes. It was an excuse I made. I did not want to stay there. It was the night of the prize-giving. I did not want to seem unsociable, and so I said that as an excuse to leave the club.

What was Barratt doing when you said that to him?—Standing by the bar.

I suggest that that conversation about meeting your wife at 7.50 never took place?—Yes, it did. It was an excuse to get out of the club.

You know that Barratt has given evidence and said he met you, and that you were in the club at 20 minutes to 8?—I do not know what the time was.

I suggest, again, that it never took place?—Yes, I was thinking of spending an hour with my wife.

You realise that if you were in the club at half-past 7 or 20 minutes to 8 that that is very important?—Yes.

Why did you not say something about it in your statement, exhibit 47? Had you forgotten it?—No, I did not want to make the statement at all.

Did you not ask to have paper so that you might write a statement?—No.

You had the sheets of paper and you wrote exactly what you liked. Was it not to explain your movements?—To a certain extent.

Was that what you set out to do?—Yes.

By the JUDGE: Did you tell anybody you did not want to make a statement?—No.

By Mr. INSKIP: Did the police push paper and pencil to you before you asked for them?—No.

Did you say you could explain your movements?—Yes.

Thomas Henry Allaway.

If you had some paper?—No, I did not say if I had some paper.

At any rate, you wrote two sheets?—If I had taken more pains I could have written two more sheets.

If you were trying to fill in every detail of where you were and what you were doing from when you came home till you went to bed, why is it you did not say anything about that conversation with Barratt?—Because it came into my head afterwards. This is just an outline of what happened, not the full details.

You wrote it out the morning after you were charged?—No, the evening after.

Besides saying nothing about that conversation with Barratt, did you say in that statement that you saw Barratt start to play a game of billiards about quarter-past 7, and a little while afterwards you went out to get an *Evening News?*—Yes.

Did you see Barratt play a game?—No, I did not.

"Whilst I was in the club I met Mr. Barratt and he asked me why hadn't I gone to the pictures. I told him I did not care about them. We stood talking at the bar until he was ready to start a game of billiards with a friend named Mr. Nicholls. That would be about 7.15. I went and sat down to watch the play for a little while. I then went out." Did you see him start to play a game?—He walked away to play. That is the last I saw of him.

Where did he start to play?—I don't know.

Your explanation is that you did not mean to say you saw him play a game?—No.

Did he tell you he was going to play a game of billiards?—No.

Did he tell you he was going to play a game with Nicholls?—No.

Did you invent Nicholls?—No, he was there.

Thomas Henry Allaway.

How did you come to put him down?—They nearly always played together.

By the JUDGE: What did you mean when you wrote, "I sat down and watched the play for a little while"?—I did not see them start.

What did you mean by that statement?—I sat down and watched the play—that was, anybody's game—as it was played alongside the bar.

By Mr. INSKIP: What you say now is that you sat down and watched anybody who happened to be playing a game of billiards?—Yes.

Didn't you mean that you watched Barratt and Nicholls playing?—No.

By the JUDGE: This was after you had told Barratt you wanted to get away to meet your wife?—That was afterwards. I went and sat down and then came back again.

By Mr. INSKIP: You told me he left you, and that was the last time you saw him?—Yes, because I went out myself.

So you had that conversation about wanting to meet your wife before he went off to play billiards?—Yes. I did not know he had gone to play. I just surmised that he had gone to play.

He went off to play, as you thought, and you went out. What time do you put that at?—About 7.30.

In your statement you say it would be about 7.15. Now, from the time you left the club till the time you got to the Salisbury Hotel, can you give the name of anybody you saw?—I went and got a paper, and I saw my landlord.

Except for your landlord you saw nobody from the time you left the club until you arrived at the Salisbury Hotel?—No.

Did you say, in your statement to Sergeant Ellis, that you arrived at the Salisbury Hotel at 8.30, and saw Brooks?—I may have said that.

Thomas Henry Allaway.

Is that right?—Yes. I never had much time to think what did happen.

From the time you left the club when Barratt had, as you thought, gone to play billiards, your landlord was the only person you saw?—Yes, that is so.

So you did not go back to the club?—I just looked inside.

Did you speak to anybody?—No; in fact, it was so full I could not get inside.

By the JUDGE: Why did you go there?—Something seemed to draw me there, but I just looked inside, turned round, and came out again.

By Mr. INSKIP: In your first statement you said you left the club at 7.15, went back home and read until 8 o'clock, and went back to the club, and then arrived at the Salisbury Hotel at 8.30. How long did you stay at home?—About half an hour. I never looked at the clock the whole evening.

And is it a fact that you arrived at the Salisbury about 8.30? —It may be.

How long were you there before your wife came in?—A considerable time. I should think I had been there over half an hour.

Did you see anybody doing anything at the club?—No, nothing particular.

Can you mention anybody whom you saw actually playing? —No, I do not know all the members.

In your statement you say, "Whilst in the club about 8.15 I remember seeing a Mr. Patrick playing a game of snooker on No. 5 table. I nodded to him, but he did not speak. I finished up my drink and left the club, and took a gentle walk to the Salisbury Hotel, which I reached about 8.30." What about that?—I was not sure about him. I had seen him playing snooker. I am not sure about it.

Did you see him?—I think I did.

Thomas Henry Allaway.

Didn't you know he was not playing snooker at that hour?—I did not know.

You know they have to write their names down if they are going to play?—Yes.

Is it a fact that you "finished your drink, left the club, and took a gentle walk to the Salisbury Hotel"?—No.

Did you have a drink then?—No, I thought I did.

Why did you say, "I finished up my drink and left the club"?—I thought I did, but I did not stop for a drink.

The fact is you are not clear what happened when you got into the club, and what time you got to the Salisbury. You have said several different things?—I do not think so.

It is not true that you had a drink, or that you got as far as the bar at all?—I did not go into the bar side.

Then if you did not get into the bar side you could not have had a drink?—No.

In your first statement you said you left the club at 7.15, and you left home to return to the club at 8 o'clock. Were you reading a newspaper half an hour or three-quarters?—Yes.

Why did you borrow your landlord's paper?—To see if there were any advertisements of unfurnished rooms.

You had not said that before?—Yes, I did.

Yes, I know you did in chief, but not in your statements. At half-past 8 you were in the Salisbury, and you saw a number of people after that time?—Yes.

Was it after your arrival at the Salisbury that you lent Brooks money?—Yes.

Was it after your wife's arrival?—Yes.

And she came about 5 minutes to 9?—Yes.

You said just now, in answer to your learned counsel, that you took a walk past the Hippodrome?—Yes, I had to pass it.

Did you ever mention the Hippodrome before to-day?—No.

Did you hear Mrs. Dundee at the police court mention the word Hippodrome?—Yes.

Thomas Henry Allaway.

Are you sure how you were dressed?—It was my usual.

Was it your habit to take off your uniform coat and put on your sports coat?—Yes.

Every night?—Yes.

I suppose your wife saw you change your coat every night?—Most nights. She was not always there.

Do you know she described you as wearing your uniform, breeches and gaiters, and trilby hat?—Yes.

And, to be fair to you, she made a different statement when she gave evidence?—Yes.

Now I want to get back to the car again. Do you say you never changed your tyres all the time you were in Bournemouth?—No.

Mr. Claydon repaired a Michelin tyre for you and it wore badly?—It did.

Did you try it on the car?—It was running on the car.

You took it off for him to repair it?—Yes.

And when it came back from him you changed it?—Yes.

Why, then, say you never changed any tyre when in Boscombe?—I was thinking of new tyres.

I did not understand that. You were asked a very plain question. You said that all the time you were in Bournemouth you never changed a tyre?—I was under the impression you meant a new tyre. I thought you meant I never bought a new tyre.

So you changed the tyres several times?—That was the only tyre I took off.

That was in November?—Yes.

Did that Michelin go on one of the front wheels?—One of the back wheels.

Did you take it off because it was not running well?—Yes, eventually.

When did you take it off?—On the 27th of December.

Are you sure about the date; may it not have been the 24th?

Thomas Henry Allaway.

You were ill on the 27th. That was one of the days you were off duty.

The JUDGE: No, he was off on the 25th and 26th, and on on the 27th.

Mr. INSKIP: I am obliged to your lordship.

By the JUDGE: What did you put on?—One of my old ones, a Dunlop Magnum.

By Mr. INSKIP: Did not Mr. Claydon give you a new tyre?—Yes.

Did you put that on the car?—Yes, I put it on the car, but I did not put it on the wheel.

I suggest that you had the two Dunlop Magnums on your back wheels?—No, I had one Michelin.

Now, on the 7th of January you were seen by Detective Sergeant Ellis?—Yes.

You had three Dunlops and a Michelin on the near hind wheel?—Yes.

That Michelin was the one which Claydon gave you?—Yes.

Then you did put a new one on the wheel?—I put it on the car, but not on the wheel.

Did the detective sergeant say to you, "Have you changed your tyres at all since the 22nd of December?"—Yes.

Did you say, "No, I have not"?—I do not quite remember.

Do you remember what answer you gave?—He asked me if I had changed the tyres, and I said, "No, I had not changed the tyres; the wheel, not the tyres."

Did you not understand what the officer meant?—I understood him to mean changed the tyre itself, not the wheel.

Whatever you understood you said "No"?—Yes.

You knew there was a question about tyres?—Yes.

You knew there were tyre tracks?—Yes.

You knew the police were making inquiries about the tyres of cars to see if they fitted in those tracks, so that when the officer asked you if you had changed your tyres, didn't you

Thomas Henry Allaway.

know what they were after—to see whether your car had made tracks like those near the scene of the murder?—Yes, they were after everybody.

And your answer was that you had not changed the tyres?—Nor had I—not wheels.

By the JUDGE: Do you appreciate, and did you at the time appreciate, that whether you changed the tyre or changed the wheel with a different tyre, it may alter the impression which would be made on the road?—The tyre that I took off the wheel was a Michelin, and that was running on the car on the 22nd, if that is what is meant.

By Mr. INSKIP: You have denied the conversation with Blanchard on the 28th of December. Did not Blanchard and you discuss this question of the tracks?—No, I was not there on the 28th.

Well, on the 27th did you have any conversation with him?—No, I did not have any conversation at all with the man.

He did not say to you he hoped the police would find the murderer, and you did not say they never would?—I have no recollection of it.

Did you say it?—No.

Or any of the rest of the conversation he alleges?—No.

Then he has absolutely invented both the fact of the conversation and the words of it?—I do not remember having any conversation with the man.

Will you go so far as to say you never saw him before in your life?—I do not remember ever seeing the man.

Didn't you tell Blanchard, when he said the police were stopping all cars, that they would not stop yours because you were going sick?—No.

Did you go to Dr. Bottomley?—Yes.

For what illness did you get a prescription from him?—For diarrhœa.

Thomas Henry Allaway.

Where did you go to get it made up?—To a chemist called Hurst.

Did you get the prescription made up at Hurst's? Did you hand him your prescription?—No, I asked him if he knew anything for diarrhœa.

Had you paid the doctor a fee?—Yes.

And then you did not use the prescription he gave you? —No.

Why not?—Because I had not much money in my pocket. I thought a bottle of medicine from a chemist would be cheaper.

Have you made any inquiry to confirm your visit to Dr. Bottomley?—No.

Or given any instructions about it?—No.

Now I want to ask you about your handwriting. You agree that all the letters and post-cards are in your handwriting, except the one which you say Bennett wrote?—I have not seen all the post-cards.

I dare say you will recognise your handwriting at once. (Exhibits handed to prisoner.) Look at each carefully. Take exhibit 23. Is that in your handwriting?—(A pause.) I do not think that is mine.

> (Exhibit was a field post-card, dated the 12th of December, 1918, addressed to Miss Gladys Allaway, 63, Swansea Road, Reading, Berkshire, and running: "Dear baby, just a card hoping you are well as it leave daddy at present lot of love Daddy x x x x.")

By the JUDGE: Do you swear that is not your writing?—It is too good for my writing. I could not write like that.

Whose is it?—I could not say.

It is addressed to Miss Gladys Allaway, and it is signed "Daddy"?—Yes.

Thomas Henry Allaway.

By Mr. Inskip: Now, Allaway, is not that your writing?—It is too good for mine.

By the Judge: Will you swear it is not yours?—It is addressed to my daughter, yes.

I did not ask you if it was to your daughter. Will you answer? Will you swear that is not your handwriting?—(A pause.) Yes, I will. I can't write like that.

By Mr. Inskip: Did you stay in Liège?—No, I never was in Liège.

Exhibit 26, is that in your handwriting?—No, that is the same as the other.

Is that yours?—No.

By the Judge: It is addressed to your wife?—Yes, Mrs. Allaway.

Signed by "Tom," with kisses?—Yes.

Is there any other "Tom" to be writing to your wife?—I do not think so.

You swear 26 is not in your handwriting?—Yes.

By Mr. Inskip: No. 19, is that yours?—No, that is the same as the other.

Now, if you turn to the back you will see a window marked with a cross. Do you recognise that house? Read what the post-card says: "This is the place where Daddy stopped." And didn't you stop there at that house?—No, I do not recollect the name of the place.

Swansea Road, Reading, was where your wife was staying?—Yes.

By the Judge: "Dear baby, I hope you are well, this is one of the places where daddy stopped, love from daddy, kiss momi for me." You swear that is not your handwriting?—It is not my writing at all. I can't write like that.

By Mr. Inskip: Is that your handwriting, exhibit 22—Yes, that is mine. That is more like my writing.

I see. The upright part is your writing. Is the address like

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your writing?—Yes, part of it. I remember sending this card. I wrote it up against the wall outside the post office.

Look at this, exhibit 24?—I can't swear to that one. It is similar to mine.

Do you suggest 24 is not yours?—(A pause.) It looks very much like mine. I was not in Folkestone in September, 1918.

You won't swear to it?—No, I won't swear to it.

By the JUDGE: Have you read it?—Yes.

Do you say you were not in Folkestone in September, 1918?—I came home, but I don't think in September; it was before September.

Did you cross over in September?—No.

By Mr. INSKIP: Now look at 27, and say if that is in your handwriting?—(A pause.) I cannot swear to it being my handwriting. 24 is like my handwriting, but 27 is not mine. It is not like my writing at all. I never wrote that handwriting.

Has your wife ever told you she was having a number of post-cards from a man called Tom?—No.

By the JUDGE: Have you ever asked your wife for an explanation of her receiving these post-cards from somebody signed "Tom," with kisses?—No, I sent her a lot of post-cards.

Have you any doubt that these are all in your handwriting?—Some of them are similar to my handwriting.

By Mr. INSKIP: Is that yours, exhibit 28?—If this one is mine they are all mine. I cannot recognise the handwriting as mine. They are all to my wife, but I do not recollect writing them.

Will you say, one way or the other, whether that exhibit 28 is in your handwriting?—I will say it is in my writing because it is very much like it.

And you say if it is your handwriting the others must be?—Yes.

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By the JUDGE: You say these are in your handwriting?—Yes.

Having just said that they are not?—No reply.

By Mr. INSKIP: This exhibit 28 is dated the 8th of December, 1918. "This is the place where the Armistice terms were signed, also the German headquarters, there are still some left behind." Is that yours?—That is not mine, that ain't. I have never been in the place where the Armistice was signed.

Just now I was showing you a post-card bearing the Folkestone postmark, the 11th of September, 1918. Did you say you were not then just going back to France?—I do not think so, not at that time. I do not remember when I was on leave.

Is that your active service casualty form?—I do not know; I have never seen it.

Does that appear to be a correct record of your service in the Army?——

Mr. FOX DAVIES: This is not evidence.

The JUDGE: They are always entitled to show a document.

Mr. FOX DAVIES: But he is not responsible for it.

The JUDGE: Of course it is not evidence at present.

By Mr. INSKIP: Now you have looked at that I will ask you, is it a fact that you had leave from the 21st of August until the 4th of September, 1918, and that that was extended five days until the 9th of September?—Yes.

And these two post-cards which at first you said were not your writing bear the Folkestone post-mark, and in one you say, "Leaving here at 4 o'clock"?——

The JUDGE: In one he says, "Just arrived here."

Mr. INSKIP: Yes, my lord.

By Mr. INSKIP: When did you sprain your wrist?—Just before Christmas.

After looking at these post-cards do you still say you did not

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write that letter, exhibit 43?—I never used a sheet of paper like that.

Was that the first of the three letters which were written, according to you, by Bennett?—No. Now I come to look at it properly, it is not one of the three which was written for me. I do not understand who did write it. I do not know.

Then you say this is not one of the letters which Bennett wrote?—Yes. I had reasons to say so at first, because I did not look at it properly. I thought it was one of the three letters which were written for me.

What do you say about it now?—I do not remember writing that letter now.

Is it Bennett's letter?—No.

Do you say it is not yours?—I have never used a piece of paper like that.

Never mind the paper; did you write it?—No.

Did anybody else but Bennett write letters for you?—No.

Was that letter written with your authority? Did you tell somebody that they might write it?—No. It is the first time I have seen it carefully.

Ellis showed it to you first, and when you were asked about it you said you thought it was one of Bennett's letters, and to-day when you were asked about it you said you thought it was one of Bennett's letters?—No.

You told me just now that until you had had an opportunity of looking at it you were under the impression that it was one of the three letters which were written by Bennett?—Yes.

It is a letter which purports to be signed, not only by "Tom," but "by your loving husband," and then follow kisses?—No reply.

There is nothing in it about your sprained wrist?—No reply.

Would it not be a surprise to her to get a letter written by

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somebody else, in another hand?—I don't know. I had three letters written for me altogether.

Is this one of the letters?—I do not know anything about it.

You swear that you told nobody he could write that for you?—Yes.

And you swear you did not write it?—Yes.

By the JUDGE: It is a letter written to your wife?—Yes, it is.

Beginning "Dearest May"?—Yes.

And signed, as Mr. Inskip says, "Yr. ever loving husband, Tom," with kisses?—Yes.

And kisses for the baby?—Yes.

The wording of a letter which you would send?—Yes.

Now, won't you tell the truth about it? Is it not your letter? —I have no recollection of sending it. I won't say I wrote it, because I don't recollect writing it.

"Please send me some milk. I shall be going on a trip to Munster, which is about 150 miles from here. To-day is Thursday. You should get this letter by Monday post. If you can possibly send it off by Tuesday I can call in at this place on the Sunday and take it back with me. We have got everything we want except milk and fags." Isn't that the kind of thing you would write to your wife?—Yes, I have wrote words to that effect.

And yet you still swear that that letter was not written by you?—I do not remember this. All my letters was wrote on a small packet paper.

By Mr. INSKIP: Now, Allaway, you have admitted writing the post-card, which you say you wrote standing up against the wall?—Yes.

That is the post-card with the upright writing?—Yes.

Didn't you change your handwriting deliberately after this murder?—No, not that I know of.

Is this a letter which you wrote to the London and Pro-

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vincial Furnishing Company in August, exhibit 80?—Yes, that is mine.

You see that is a sloping writing?—Yes, that is written with a pen.

Is that about some furniture you had, and some instalments on it?—Yes.

Now will you look at the next document, exhibit 81. Is that a letter written to the same people about the same matter in February, 1922?—(A pause.) Yes.

They are both in your writing?—Yes.

The one before is sloping, and the one after is upright writing?—Yes.

Both with ink?—Yes.

You used to read the *Daily Express?*—Yes.

I have no doubt you used to read the statements about the murder?—Yes, I read some of them.

In the telegrams which you remember being asked to write out again, exhibits 44, 45, and 46, you knew you were being asked to write out the three telegrams, copies of which had appeared in the papers?—I do not know if they appeared or not.

Didn't you see copies of the telegraph forms?—Yes.

In the telegrams which you were asked to write out, and which you wrote out, you spelt correctly a number of the words. Do you know that in the *Daily Express* the words misspelt had had attention called to them?—I was not aware of that.

In exhibit 17, the *Daily Express* for December 27, attention is called to the fact that Thirlmere had been misspelt; the word "pleasant" was misspelt; "if" was spelt with two *f's* (you spelt it with one *f* in exhibit 46); "expences" spelt with a *c* (you wrote it in your telegram with an *s*). Then "immediately" was spelt wrongly, "Bournemouth" was spelt without a medial *e* (you wrote it with the *e*). The word "paid" was

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spelt "payed" (you spelt it in your telegram "paid"). Now, didn't you read those misspellings in the *Daily Express?*—No, I don't remember having seen them.

Has it not been said that everybody in Bournemouth knew you were under suspicion?——

Mr. Fox Davies: No, I said every chauffeur in Bournemouth was under suspicion.

By Mr. Inskip: Didn't you read the newspaper accounts?—Yes.

How do you spell advertisement?—A d v e r t i s e m e n t.

In exhibit 46 you spelt it without an *e*. How do you spell pleasant?—P l e s e n t, the same as present.

By the Judge: You spell it the same way as present?—Yes.

Re-examined by Mr. Fox Davies: Is that your handwriting, Allaway?—Yes. (Exhibit 34.)

That is a letter written on the 4th of April, 1922, and that is in the sloping writing?—Yes.

How many billiard tables are there at the Boscombe Conservative Working Men's Club?—Six.

Is there any provision for any other game?—Yes, two bagatelle tables.

Billiards is the principal game?—Yes.

When you said something to Mr. Barratt about meeting your wife, had you made up your mind whether you were going to the pictures?—I had not made up my mind; I was trying to make up my mind.

You did instruct your solicitor that you were asked to make that statement by the police?—Yes.

And questions were put at the police court to that effect?—Yes.

The Judge: You must not ask him what his instructions to his solicitor were, otherwise you see what would follow.

Mr. Fox Davies: Yes, my lord.

Thomas Henry Allaway.

Was a question asked of Sergeant Ellis at the police court on that subject?—Of P.C. Clements.

The JUDGE: If you want to recall Clements to put a question I will allow you to do so, but you cannot have what happened at the police court indirectly, when you have an opportunity of dealing with it here.

Mr. FOX DAVIES: If your lordship pleases. I shall be glad of the opportunity, my lord.

By Mr. FOX DAVIES: With regard to the tyres, a spare wheel is carried on the car?—Yes.

Are there other spare wheels?—Yes, there are two spare wheels, but they are not both carried; only one is carried.

How many were you carrying on the car in December?—One.

Was the spare wheel, that is, the five tyres, on the car when the police examined it on the 7th of January?—Yes.

Was it one of those tyres that was sent to Claydon?—Yes, the new one was one of the five.

Had any change in the five tyres been made between the 22nd of December and the 7th of January?—Between what?

Between the 22nd of December and the 7th of January?—Yes, the old one had been changed for a new one. On the 27th it was first taken.

And it was an old Michelin changed for a new Michelin?—Yes.

By the JUDGE: As I understand it, it was an old Michelin which was sent to Claydon for repair?—Yes.

About what time?—About the 4th of November.

When did it come back?—The day after.

What tyre did you use while it was away?—An old one. An old Dunlop Magnum which was in the garage.

Did you give evidence before the magistrates?—No.

Why not?—I do not know why. I was not asked to give evidence.

Mr. Fox Davies announced that Mrs. Dundee, who overnight had been declared to be too ill to attend the court, was present, and he would call her immediately.

Mrs. AGNES REBECCA DUNDEE, duly sworn, was examined by Mr. Fox Davies:

You are the wife of Colonel Dundee, and you live in Keswick Road, Boscombe?—Yes.

How long have you lived in Boscombe?—Two years now.

Is your house anywhere near Beech Hurst?—About 200 to 300 yards away.

Have you noticed the defendant at Beech Hurst?—Yes.

On many occasions, or few?—Almost daily in the winter.

With the car or without?—With a car.

Do you remember the number of the car?—LK 7405.

Where is the Hippodrome, Boscombe?—Near the Arcade.

And do you go to the Hippodrome?—Often in the winter.

Do you remember the 22nd of December, whether you were there or not?—Yes.

What time was it?—I got to the Arcade very soon after 8 o'clock.

Were you going to the Hippodrome?—Yes.

Did you see the defendent on that evening?—Yes.

Where did you see him?—I could not state exactly what road it was, but it was near the Arcade.

How was he dressed?—In plain clothes.

What has made you remember you saw him?—It was the only time I saw him in plain clothes.

At that time did you know his name?—No.

Have you any doubt that the man you saw on that occasion was the defendant, Allaway?—Not the slightest.

Have you any doubt that it was the 22nd of December?—Not the slightest.

Mrs. Agnes Rebecca Dundee.

Cross-examined by Mr. INSKIP: You were in the habit of going very often to the Hippodrome?—Yes.

It was not until after Allaway's arrest that you gave any information about this?—No.

Was it about the 16th or 17th of May that you first spoke to the solicitor?—Yes.

Is there any other evening in the winter of 1921 that you are able to say what happened in the street?—No.

This is the one incident for which you are able to fix the day in the winter of 1921?—Yes.

And had you ever thought of it between the day on which it happened and the day on which you made the statement to the solicitor?—Occasionally. I knew it was that night.

Were you walking when you saw him?—Yes, I had been walking backwards and forwards in the Arcade waiting for someone.

Was it outside you saw him?—Yes.

What day did you usually go to the Hippodrome?—Usually on a Thursday.

Occasionally it was another day in the week?—Yes.

Had you been walking up and down very long?—I cannot say.

It may have been any time between 8 and 8.30 when you saw him?—Yes. One minute; I was in the Hippodrome from 20 to 25 past, I think.

Well, the final performance begins at 8.30. I do not suppose you went in before the other people came out?—No.

Do you remember which street it was you met him in?—No.

Was it in the side street, Palmerston Road?—Possibly; I do not remember.

Was it in the street where the trams are?—It was in a well lighted street.

I suppose it is no good asking you to tell me what the entertainment was that night?—I am sorry I cannot.

Mrs. Agnes Rebecca Dundee.

Meeting Allaway made more impression on you than the entertainment?—I do not think so.

By the JUDGE: Did you merely pass him in the street?—That is all.

You never spoke to him?—No, my lord.

Re-examined by Mr. FOX DAVIES: Did you recognise him?—I had to think, Where have I seen this man before?

And that helped you to remember?—Yes.

ARTHUR ELKINS, duly sworn, was examined by Mr. FOX DAVIES:

You are a postman?—Yes.

And do you keep goats?—Yes.

Where did you keep them last December?—On the Carbery Estate.

Do you remember the night of the 22nd December last?—Yes.

Do you remember what time you got home from work that night?—About quarter to 9 to 9 o'clock. That was from seeing to the goats. I got home from work soon after 6.

Did you have a meal and then go out again?—Yes.

For what purpose?—To move the goats and feed them.

How many goats had you?—I had seven at the time.

Were they tethered?—Yes, within a few yards of one another.

About what time was it you went out to attend to them?—About quarter past 8 as near as I can get it.

How long would it take you to walk from your house to the place where the goats were tethered?—About ten minutes or a quarter of an hour.

Where were your goats that night?—The first goat was about 100 yards from the corner where the body was found—that is, the corner of Seafield Road and New Road.

Arthur Elkins.

By the JUDGE: In the field?—No, my lord; alongside the road.

By Mr. FOX DAVIES: Did you see any car at the corner that evening?—Yes, on the opposite side, within about 20 yards of the corner.

What kind of a car was it?—More the shape of a taxi. It was a very dark colour. It looked more like a black car than a grey.

What lights had it?—I should say it was gas lights, but lowered.

Was it raining?—You could hardly say it was raining; it was just a spit or two.

How long were you moving and feeding the goats?—I should think from half to three quarters of an hour.

Where did you move them to?—Towards the car.

Was it still there when you finished?—It was still there when I finished, and I saw no sign of the car on the way home; the car never passed me on the way home.

I think your hat blew off?—Yes, it blew to within a yard or two of the car. I went and picked it up, just glanced at the car, and turned and walked away.

Did you see anyone in the driver's seat?—I never saw a soul.

What time did you get back?—I should say it was somewhere about quarter to 9 or 9.

Cross-examined by Mr. INSKIP: You left home about 8.15?—Yes.

And you took about twenty minutes to walk to the goats?—No, ten to fifteen minutes.

Were the goats as far as the corner?—No, within 100 yards. I moved them down towards the car.

In order to get to the car you would have to pass your goats?—Yes.

And having fed and shifted your goats, your hat blew off, you picked it up, and went home?—Yes.

Arthur Elkins.

Did you see anybody?—No, and never heard a sound.

Did you look inside the car?—No.

For all you know there may have been someone in it?—Yes.

Is your recollection clear?—Yes.

Why, then, did you sign a statement that you glanced at the car and noticed that there was no one inside it?—I glanced at the car and never saw anybody inside the car. I never looked inside; I looked in the front.

And noticed that there was no one inside it?—I never said that I noticed that there was no one inside it.

Did you look to see if there was anyone inside it?—No.

It was a very dark night?—Yes.

And you could not even see where your hat blew to?—Yes, because it was a black hat. I could manage to pick it out.

You made this statement to the police on the 18th of January?—Yes, it was written down and I was asked to sign it.

And did you say, in addition to what my friend has read out, " as I picked my hat up I only glanced at the car, and did not look inside it. It was almost opposite the place where the dead body was found "?—Yes.

(The Court adjourned for the day.)

FOURTH DAY'S HEARING

(The Court sat again on Thursday, the 6th of July.)

MRS. MAY VIOLET ALLAWAY, duly sworn, was examined by Mr. FOX DAVIES:

You are the wife of the prisoner?—Yes.

And you are living in Reading?—Yes, 66, York Parade, with my mother.

You were married to the prisoner in 1913?—Yes.

And you have one child, a girl named Gladys, and she is seven years old?—Yes.

When did your husband come to Boscombe?—In October, 1921.

He had been there previously?—Yes, week ends.

When you first came to Boscombe where did you live?—At 103, Haviland Road, Boscombe.

That is practically opposite the Portman Mews?—Yes.

What time ordinarily did your husband leave the house?—He used to go over and clean the car at 8 o'clock, and come over for his breakfast at 9.

About how long did he have for breakfast?—About half an hour, till half-past 9. Then he would go back to the garage and leave there at quarter to 10 to be at the house at 10.

At what time did he ordinarily come back to your house for dinner?—Half-past 1.

About what time did he usually go back?—His time was quarter to 3 or 3 o'clock. If they wanted him back earlier it would be half-past 2.

About what time ordinarily did he finish his work?—Between half-past 4 and quarter to 5.

In the ordinary way did he have tea at your house?—Yes. I always had tea ready for him as soon as he came in.

Mrs. May Violet Allaway.

Do you remember the 22nd of December?—Yes.

Do you remember what time he went out to work that morning?—At 10 o'clock in the morning, and he came home at half-past 1 to dinner.

Do you remember what time he went out after dinner?—From half-past 2 to quarter to 3.

When was the next time you saw him?—He came home just after 6.

Have you any reason for remembering that time?—Yes, because we always went to the pictures twice a week, and I waited for him to come in to give me the money for the pictures.

Did he give you the money?—Yes.

What time did you go out to the pictures?—Between half-past 6 and quarter to 7. We all three went out of the house together.

That is, your husband, yourself, and your little girl?—Yes.

How far did you walk with him?—To the Conservative Club.

How far is that from your house?—Three minutes' walk.

Did you separate then?—We stayed and talked a while, and then he went into the club and I went to the pictures.

Had you any arrangement to meet him?—Yes, at the Salisbury Hotel. I said 9 o'clock, and I was actually there at 10 minutes to 9.

Did you meet your husband?—Yes, he was in the private bar of the Salisbury waiting for me. The bar in Palmerston Road.

Who was serving behind the bar?—Miss Shaw. Mr. Baker was also behind the bar.

Do you remember anybody else that you saw in the hotel?—Yes, Mr. Brooks.

Any lady?—Yes, his wife.

Mrs. May Violet Allaway.

Do you remember any conversation between your husband and Brooks?—Yes, it was about ten shillings he lent him.

Your husband lent Brooks ten shillings?—Yes.

You have occasion to remember that?—Yes, because it came out of my money.

You were not best pleased?—No.

Do you remember how long you stayed at the Salisbury?—Yes, until 5 minutes to 10.

Did it come to "Time, gentlemen, please"?—No, we went out before closing time.

Did your husband go out with you?—Yes.

Where did you go?—We went down Haviland Road to our home.

What did your daughter do?—She bought some chips at a shop at the corner of Ashley Road, and we waited at the corner for her.

Where was your husband then?—He was with me.

When your daughter came back you went home?—Yes.

What time do you think you got home?—About quarter-past 10.

Did you go out again that night?—No, we went to bed.

Did your husband go out again that night?—No, he went to bed before me.

And so far as you know he was in the house all night?—Yes, he was in bed when I went upstairs.

That was the Thursday?—Yes.

Now let me deal with the Tuesday. Do you remember about what time your husband came home to lunch that day?—He was rather late that day.

Perhaps it will assist your memory to say that Tuesday was the day they moved to Barton Close. What time do you suggest he came in to lunch?—Between half-past 1 and quarter to 2.

That was for his dinner?—Yes.

Mrs. May Violet Allaway.

How long did that last?—He did not wait after finishing his dinner, as they wanted him back quick.

What time did he leave?—At 2 o'clock.

Now I want to take you to the Friday in that week; that is, the day after that of which you have given us the details. Did you go out with him in the evening?—Yes, as usual.

Where did you go?—We went round the town, and we called in the Salisbury.

You went round the town, doing what?—Shopping.

Then you went to the Salisbury?—Yes, as we did each evening.

That was the Friday. Had you at that time heard about the murder?—Yes, we bought a paper that night.

Did you have a conversation on that subject at the Salisbury Hotel on the Friday evening?—Yes, with the barmaid.

You went out again on the Saturday evening?—Yes.

Where did your husband go on the Saturday evening?—To the Conservative Club.

That was Boxing Day?—Yes.

On that day was he in his usual health?—No, he complained of pains in his inside.

How long did that illness last?—He had them on and off.

How many days was he away from work?—Three days.

Did you see any medicine?—Yes, some what the chemist made up for him.

Do you remember the police coming to your house?—Yes.

Do you remember what date it was?—It was in January.

Do you remember what part of the month it was?—It was the early part of January.

What did the police do?—They examined a raincoat that was in the hall, and they looked at his brown coat what was in the sitting-room.

How many rooms had you got?—Two.

Mrs. May Violet Allaway.

Had you noticed any change in your husband's manner?—None whatever.

Had you noticed whether his clothes had been muddy or anything?—No, they were the same as usual when I brushed them down next morning. I always brushed his clothes as he had them on.

Do you remember what clothes he had on on the evening of the 22nd of December?—Leggings and breeches——

Those were part of his uniform?—Yes, and brown mixture coat, and a brown trilby hat.

Was he wearing his uniform coat?—No, he had a little coat under his overcoat.

What colour was that?—Blue.

Did you ever go to see the scene of the murder?—Yes.

When was that?—A fortnight after it was done.

What day of the week was it?—On a Sunday.

How did you know where to go?—We asked the way when we came off the tram.

By the JUDGE: Who is "we"?—My husband, myself, and little girl.

By Mr. FOX DAVIES: When did you move from Haviland Road?—Well, we were in our rooms at Windsor Road the 1st of February.

Were the rooms at Windsor Road furnished or unfurnished?—Unfurnished.

How did you furnish them?—Well, our furniture came down from London, from Barker's; they were storing it for us.

Have you ever seen these before (screw-hammer and spanner)?—Yes, I had that (screw-hammer) to crack the coal with.

Where was that?—At Windsor Road.

Did you have it at Haviland Road?—No, they came down with my things from London.

When did your furniture come down from London?—It

Mrs. May Violet Allaway.

came down on the Wednesday as we moved in on the Saturday, 1st of February.

As a matter of fact, that is not so, but you mean it came down on a Wednesday before you moved in on a Saturday early in February?—Yes.

Cross-examined by Mr. CLARKE: Did this screw-hammer and spanner belong to the car?—No.

Whose property were they?—Well, we brought them up from Reading. They never belonged to Mr. Sutton or his car, so far as I know.

By the JUDGE: Reading is your home?—Yes.

When were they brought up from Reading?—When we lived in Cornwall Mews; just when I can't remember. We moved in there in the time my husband was in Scotland.

By Mr. CLARKE: Would that be in the summer-time of 1921?—Yes, in July.

And they had been at your home at Reading, had they?—Yes.

Is your memory quite clear as to all that took place on the night of the 22nd of December?—Yes.

Your husband came home that evening just after 6?—Yes.

Was that the usual time for him?—No, he was rather late that evening.

Is that the only time he had been late?—Only when he had to go to the station to pick up Mrs. Sutton.

And then he gave you some money, you say?—Yes, one and threepence.

Did he often give you money?—Yes, to go to the pictures.

How often used you to go to the pictures?—Twice a week.

Regularly?—Yes.

And did you on most occasions wait at home until he came before going to the pictures?—Yes.

And when you did not go to the pictures did you go out together each evening?—Yes.

Mrs. May Violet Allaway.

Always?—Yes.

So you would always go away from the house with him when you were going to the pictures?—Yes.

When you went to the pictures, would he go with you?—No, he would go to the club and meet me when I came out.

So it was quite a usual thing for you to go alone?—Yes.

Where did you usually meet him?—At the Salisbury Hotel.

That would be regularly, twice a week?—Yes.

The nights when you were with him did you go to the Salisbury Hotel every night?—Well, not every night, because sometimes we stopped indoors.

But when you went out?—Yes, we went to the Salisbury.

So there was nothing unusual about going to the Salisbury?—(No reply.)

You said you were sitting in the private bar, on the Palmerston Road. Was that the usual place you went to?—Yes.

Was Miss Shaw serving regularly behind the bar?—Yes, that was her bar.

So you would expect to find her behind the bar, wouldn't you?—Yes.

And Mr. Baker behind the bar also. Who is he?—He serves in the other bar. He is a barman.

How long has he been at the Salisbury Hotel?—As long as we have been there.

Now, Mr. and Mrs. Brooks; how long have you known them?—Since we have been in Boscombe.

Were they persons who used the Salisbury Hotel?—Yes.

So you were not surprised to see them there, I suppose?—No.

Now, your little girl; what did she do when she was seven years of age, between 10 minutes to 9 and 5 minutes to 10?—She used to play outside.

For an hour?—Yes.

Did she often do that?—Always.

Mrs. May Violet Allaway.

There was nothing unusual about that?—No.

By the JUDGE: Playing in the street, do you mean?—Yes, my lord.

By Mr. CLARKE: Did you usually stay there talking to your friends until closing time?—No, they were not always there.

You did not always stay at the Salisbury Hotel until closing time?—No, not always.

But usually?—Yes, usually.

You say you remember how your husband was dressed. Tell us again?—He had a brown trilby hat on, a brown mixture coat, a little blue coat underneath, and leggings and breeches, and a soft collar.

You are sure he was not wearing the coat he is wearing now?—Yes.

You are sure he was not?—Yes.

Did you see Sergeant Ellis in May of this year?—Yes.

Where did you see him?—At the police station.

Did you then tell him how your husband was dressed?—Yes.

What did you tell him?—I told him he had his working overcoat on, and I made a mistake.

By the JUDGE: His uniform greatcoat?—Yes, my lord.

By Mr. CLARKE: Did you tell Sergeant Ellis that he was wearing his uniform, his breeches and gaiters, and motor coat?—Yes.

Was that accurate or not?—No, I had pledged my own sewing machine to get the money to buy him an overcoat, and when I saw it was bought just after the 25th of November I remembered he was wearing that coat.

Were you telling Sergeant Ellis in May what you honestly believed—namely, that he was wearing his motor overcoat?—Yes.

Used he sometimes, when you went out with him, to wear

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his motor overcoat?—No, not when he had his other to put on.

Always?—Sometimes he wore it.

Sometimes he wore one, and sometimes the other?—Yes.

Now I want to ask you about another matter. You were living with your husband, were you not, in Windsor Road until April?—Yes.

What number?—29.

Have you been living in Boscombe or Bournemouth since then?—Never.

You have not even stayed there?—Never.

When was it your husband went away from Bournemouth?—In April.

Where have you lived since your husband went away from Bournemouth?—I was in Florence Road for a month—Florence Road, Boscombe.

Living there in service?—Yes.

Where else did you live in Bournemouth?—With Mrs. Barratt.

Who is Mrs. Barratt?—A friend we knew since we came to Boscombe.

Is she any relation to the Mr. Barratt who keeps the Portman Mews?—Yes.

It is the son's wife?—Yes.

How long were you living there?—I used to have my meals with her, and go downstairs to sleep with Mrs. Sergeant.

Did you ever discuss this murder with Mrs. Barratt?—No.

So you did not get your memory revived by her, did you?—No.

Did you see Miss Sutton shortly after your husband's arrest at Reading?—Yes.

Did you talk about the matter to her?—I said to her, after

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we came out of the police station, "They are trying to blame my husband for the Bournemouth murder," and I said, "I can tell them his movements that night."

Did you say you had not seen him between 6 o'clock and 9 o'clock that night, but that there were persons who could give an account of his movements in that time?—No, the time was not mentioned to her.

There was one other matter: You said he had to be at the house at 10 o'clock in the morning. When did that arrangement begin?—When we was in Haviland Road.

Yes, but you did not leave Haviland Road until February?—No, my husband was in lodgings in Ashley Road, and when we came to 103, Haviland Road, it was changed.

Did you move from Haviland Road to Windsor Road?—Yes.

That was at the end of January or the beginning of February?—Yes.

So that while you were in Haviland Road he used to have to arrive at his work at 10 o'clock in the morning?—Yes, and sometimes at half-past 9.

You went to Haviland Road in October or November?—At the end of October.

And he had to get to his work always at 10 o'clock?—Perhaps in Ashley Road it was 10.30.

But in Haviland Road it was always 10 o'clock?—Yes. In London it was 10.30.

So it would be incorrect if he said it would be 10.30 until they moved to Barton Close?—No, at 10 o'clock. He used to leave at quarter to 10.

Did you see anything of him after his breakfast?—No; after he went out to his garage I should not see him any more until dinner time.

Then how did you know it was his hour?—Because he used to leave at quarter to 10 to get to the house at 10.

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You remembered that, I suppose, quite well when you saw Sergeant Ellis on the 1st of May?—Yes.

What did you tell Sergeant Ellis about his hours?—I thought I told him 10 o'clock.

Let me remind you what you said: "My husband used to go out after breakfast about 9.30. He usually got to Sutton's about 10.30, but some time after Christmas the time was altered to 10 o'clock."—I must have told him that.

Did you sign the statement?—I signed a paper he gave me.

Is that right? Did he sometimes get to Sutton's at 10.30, and some time after Christmas the time was altered to 10 o'clock?—No, he used to get there at 10 o'clock. I know he used to leave at quarter to 10.

By the JUDGE: Did you tell Sergeant Ellis what appears there?—Yes.

By Mr. CLARKE: That was what you said on the 1st of May?—Yes.

Are you really very clear as to the times he went in and out?—Yes.

When you were giving evidence before the magistrates, did you remember then that he used to have to be at his work at 10 o'clock?—Yes, I told them the same.

Didn't you say this before the magistrates: "He used to leave 103, Haviland Road, at 10 o'clock"?—No, I said quarter to 10.

Was your deposition read over to you?—Yes.

Is that your signature?—Yes, that is my signature.

Now look at that. Didn't you say, at the beginning of your examination in chief, after saying who you were, "In the week of the 22nd of December he used to leave 103, Haviland Road, at 10 o'clock"? Was that right, or did he leave at quarter to 10?—He left at quarter to 10.

And a little farther on did you say in that same deposition, "On Thursday, the 22nd, he went out at 10 a.m., and he came

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to lunch at the same time, 1.30"?—Yes, I suppose I must have, but I meant quarter to 10.

By the JUDGE: Do you see that written down? Did you say it?—I said quarter to 10. He used to leave the house at quarter to 10.

By Mr. CLARKE: Can you really remember now whether you said to the magistrates on the 8th of June, about a month ago, whether it was quarter to 10 or 10?—I am certain I said quarter to 10 all along.

So if you said quarter to 10, what was set down by the clerk to the magistrates is not right?—It is not. I said quarter to 10.

Now, you have a little daughter, seven years of age. Just tell me, when your husband was away on active service did he use to write to you sometimes?—Yes.

Did you keep any of his letters and post-cards that he sent to you?—No, not when I moved. I used to burn them all.

Whose letters and post-cards did you keep when you moved? —Only what used to come at the time at the house.

By the JUDGE: What do you mean by move? From where to where?—When I moved from London.

By Mr. CLARKE: So when you moved from London to Bournemouth you destroyed them all?—Yes, it was not worth while keeping them.

By the JUDGE: Did you destroy all the cards and letters which you received from your husband while he was on service?—As far as I know.

By Mr. CLARKE: And if you destroyed all his, whose letters and post-cards did you keep when you moved?—I did not know I had any.

When did you find out you had got any?—When did I find out? Not till I saw them in Bournemouth.

When did you see them in Bournemouth?—When they showed them to me in a big book.

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Wait a moment. Didn't you see Superintendent Garrett on the 1st of May?—Yes.

Didn't you hand something to him?—No, he had them in his hand.

Are you sure you did not give them to him?—No, he had them in the machine drawer.

Do you mean your sewing machine?—Yes.

By the JUDGE: In your room?—Yes.

By Mr. CLARKE: Whom did you receive these from?—Some from my husband.

Just look at these exhibits carefully, exhibits 19 to 32. Whom did you receive these from?—Some of these from my husband.

By the JUDGE: Do you see any one there which you did not receive from him?—No, sir. They are all like those which he used to send to me.

By Mr. CLARKE: They are all post-cards?—Yes.

You know his writing quite well, I suppose, Mrs. Allaway?—Yes.

Have you any doubt they are in his handwriting?—They are like his writing.

You had kept these?—I did not know I had them.

When didn't you know you had them?—I thought I had burnt them all.

When did you think you had burnt them?—When I burnt the others.

Superintendent Garrett saw you on April the 29th at Reading?—Yes.

Didn't you tell him then that you had post-cards?—He asked me, and I told him I thought I had got some.

Did you tell him you thought you had got them in the machine drawer?—I told him I thought I had got some in some drawers.

I thought you told me that you had burnt all the letters and

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post-cards which you had from your husband when you left London?—I did burn some letters.

By the JUDGE: Why did you say to-day that you had destroyed all the letters and post-cards when you moved from London? Why did you say that when you knew Superintendent Garrett had got these?—He had these before I got there.

By Mr. CLARKE: You told him two days before where he was likely to find them?—He came to my home and asked me if I had got any, and I said, "If you look about you might find some." That is what I said.

But he did not go to Windsor Road before you did?—Inspector Brewer had them in a big envelope.

That was after. Try to tax your excellent memory. Didn't you actually not only tell Garrett at Reading where he would be likely to find them—namely, in the drawer of the sewing machine—but did you not also show him the drawer of the sewing machine in which they were?—They were all open when I got there.

Just look, now, will you, at exhibit 43, and tell me if that document also is in your husband's handwriting, directed to you?—No.

You say it is not?—No reply. (Witness studies exhibit.)

What makes you say it is not?—It is like his handwriting, but I can't swear to it.

You can't say one way or the other?—No.

By the JUDGE: It is like it, you say?—Yes, but I can't swear it is his own writing.

By Mr. CLARKE: Look at the end of it, "I remain your ever loving husband, Tom," and kisses. Is that his?—I say it is like his handwriting, but I can't swear.

Did you receive that in the ordinary way through the post?—I must have done.

Just look at it. You can remember if you ever received that

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letter. Had you sent him a book?—Yes, I used to send him several books.

Look at the end, the postscript. He asks for some milk and says he is going away to Munster. Did you ever send him any milk?—No.

Did you see he was asking for it? "Got everything we want except milk and fags"?—I never sent him those sort of things.

Did you receive it?—I must have received it.

When you received it did you think it was from your husband?—I must have thought it was from him at the time.

Re-examined by Mr. Fox Davies: What was the exact question they asked about letters?—I saw Mr. Garrett. He said, "You have seen me before, haven't you?" And I said, "No, sir," and I went into the room with him and sat down, and he produced three telegrams to me, and said, "You have seen these before?" And I said, "Yes, on the pictures." He said, "Would it surprise you if I told you your husband done the Bournemouth murder?" I said, "Surely you don't think he done that? I can tell you the whole of his movements that night."

We don't want the whole of the conversation, but did he ask for something?—He asked if I had any letters at home. I said, "I have got none here." He said, "Do you think you have got any at home?" I said, "There might be some if you look about," but I did not know I had any.

Did you tell him to look in the machine drawer?—I told him to look in all the drawers.

By the Judge: Did you tell him to look in the machine drawer?—I might have said that.

Mr. Fox Davies: There are serial pictures, are there not, at the cinema?—Yes.

Part of the story one week, and then you go on with it the next week, and so on?—Yes.

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How often do the pictures change?—They are on for fifteen times.

Does that account for you going regularly?—Yes.

Now, you never accompanied your husband to his work?—I did once; we went one evening because I left butter in the car.

You never went in the morning?—No.

All you would know about his hours of work would be the times he left your house?—Yes.

And that is what you mean when you say he left at quarter to 10?—Yes.

What is the first time you were asked about that?—When the police were going from door to door.

Was that the 1st of May?—No, earlier than that.

You saw them also on the 1st of May, after your husband's arrest, and gave them a statement?—Yes.

You told them then that your husband went out with you every evening except Mondays and Thursdays, when you went to the pictures?—Yes.

You told them then that on those evenings he went to the club?—Yes.

And you told them that on those evenings you used to meet him at the Salisbury Hotel?—Yes, always.

Did you tell them then that your husband used to buy the *Daily Express* from Mr. Samways?—Yes, every morning.

Did you tell them that your husband used to come in to breakfast at 9.30 every morning?—Yes, I must have done if it is there.

Did you tell them that some time about Christmas his time was changed to 10?—I must have done if it is there.

Did you have a conversation with anyone about the matter of your husband's movements before you spoke to the police?—My husband and I did.

Did you have a conversation with anybody else about it?—Yes, with Miss Shaw.

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Now, when you told the police your husband was wearing his motor coat, did you know the date at which he purchased his brown overcoat?—Yes, on the Thursday or Friday after I pledged my machine, and I pledged it on the 25th of November.

When did you know that date?—When I looked at the ticket.

When did you look at that ticket?—After I came out of the police station.

That was after you had given evidence?—Yes.

You pledged your machine for the purpose of buying an overcoat?—Yes.

This question does not arise out of cross-examination, but perhaps your lordship will allow me to put it. (To witness) When at the Salisbury Hotel on the 22nd of December did you purchase anything there for your daughter?—Yes, a packet of biscuits.

Examined by the JUDGE: Do you know anything of that key which was found in your rooms at Windsor Road?—Yes, this is a key that I had when I was in service at 8, Gloucester Road, London. This is my key. We had this to go in and out of the ladies' lavatory.

To whom did it belong?—To Mrs. Ellis, 8, Gloucester Road, London.

When were you in service there?—Before I came to Boscombe. I was with her right up till October last. She lived over a tailor's shop. She put a little padlock on to keep other people out.

Then why take it away when you left there?—She gave it to me, and I put it in my purse and forgot to give it back.

CHARLES ROBERT BARRATT, duly sworn, was examined by Mr. DACHIES:

You live at 3, Carnarvon Road, Boscombe, and are the proprietor of the Portman Mews livery stables?—Yes.

Did you have any vans in your mews last December?—I had three of Brooke, Bonds, and there was my own van, and others—six altogether, and there were landaus, victorias, a 30-cwt. lorry, and two taxis came in on the night of the 22nd of December.

Who was it owned the taxis?—I do not remember his name, but he lived over Knibbs' shop, the jeweller.

Did he also have a motor car in your mews?—Yes, in a little lock-up garage, a small two-seater.

Who else garaged his car in your mews?—Mr. Sutton.

Did you have any motor bicycles there?—Yes, two.

Where was Mr. Sutton's car kept?—In No. 4 lock-up.

How were the cars standing in the evening of the 22nd of December?—Mr. Sutton's car was standing in the lock-up at 6 o'clock; it may be a minute or two later.

How big a space did that car take up?—It took up the biggest part of the space—the length of the garage, I mean. But there was a motor bike and side car behind Mr. Sutton's car.

What was standing on the right of Mr. Sutton's car?—There was a little carriage, and there were two Brooke, Bonds' vans on the right, and on the right again was the store-room where Brooke, Bonds stored their tea.

Between the garage and the verandah are there any doors?—Yes, sliding doors, running on bottom wheels. I always opened and shut them myself, singly.

How are these doors fastened?—No. 1 is a lock-up with a two-seater in, locked with a bolt.

By the JUDGE: Does it require a key to open it?—No.

The JUDGE: Then don't call it a lock-up.

By Mr. DACHIES: How about 2 and 3?—Nos. 2 and 3

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were never open because the roof has sunk down on top, and you can't open them. No. 4 is where Mr. Sutton's car was.

How does that open?—It slides back towards No. 6. No. 5 slides back behind No. 6. No. 6 slides towards No. 4.

Is No. 6 locked?—Yes, with a Yale lock.

By the JUDGE: Is that a padlock?—Yes.

That fastens into a staple outside?—Yes.

By Mr. DACHIES: On the 22nd of December in the evening was the garage locked as on every evening?—Yes.

Could you produce the lock?—Yes.

How many keys have you?—Two. I had one, and my son had the other. He took his away, and I wrote him a letter, and I had the key come back last Monday. He went away last September.

And you have had your own key all the time?—Yes.

By the JUDGE: You had the key on the 22nd of December?—Yes, my lord.

Where is that key?—Here it is. That is the key for that lock; and that is the one I sent for from my son.

By Mr. DACHIES: Did Allaway at any time have a key?—No.

The JUDGE: How can the witness know that?

Mr. DACHIES: Either of these keys, my lord.

The JUDGE: No.

By Mr. DACHIES: On the 22nd of December did you see Mr. Sutton's car put in?—Yes.

Who put it in?—The chauffeur drove it straight in as usual.

At what time?—About 6, or between 6 and quarter-past; I would not say to a minute.

Did you ask him whether he had finished for the night?—I generally say, "Have you finished for the night?"

What did Allaway do when he had put the car in?—He leathered his brass over, and then he said he had had enough.

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He usually leathered his brass on a wet day to save work in the morning.

And did he leave the garage with the same clothes on?—No, he took his cap off and put it in the seat where he sits.

What did he put on?—One of his small felt hats. He had one or two there. One is a brown one and one is a black. They were always hanging on the wall in front of his car.

Are they there now?—No, I brought them up with me. I have left them outside the court.

After that where did he say he would go to?—The next I saw of him after he left the garage was when he came into the club.

After Allaway had gone what did you do?—I shut the doors behind him, and locked the doors behind him.

In his presence?—Yes.

Are these the hats which belong to Allaway?—Yes.

They have been in the garage ever since he left?—Yes.

If you had locked the garage in the way you say, was there any possibility of it being opened from outside afterwards?—No.

By the JUDGE: Which doors did you lock?—I locked Nos. 4 and 5 together.

You have not said there was a lock on 4 and 5?—You have not asked me.

It is not my business. What lock is that?—A Miller lock.

How many keys were there to that lock?—I had a key on the bunch.

Is that a padlock?—Yes, a self-locker.

There is only one key to this lock?—Yes.

By Mr. DACHIES: Was there another way in?—Yes, a small door through the stable, like an ordinary house door.

Used you sometimes to go in that way?—Yes, instead of unlocking all the doors from the outside.

Was there a lock to that door?—No, only a bolt.

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And anyone going in through the stable, could he get the car out while the doors of the garage were locked?—No.

How many vehicles were standing outside the sliding doors? —Fourteen altogether.

And they were all standing behind one another?—Yes, it was all full up.

Was there any vacant space?—Only room for me to get to the stable door.

Was there room enough to put a wheelbarrow in?—Only if it had been put in my way.

After you locked the door, where did you put the key?—I kept it with me.

You told us what time you locked the doors on the 22nd of December?—Yes, between 6 and 6.15.

After that where did you put all the carriages, vans, etc.?—Under the verandah.

Did you do anything to the horses that night?—I came back at 10 o'clock and locked up as usual; I was rather late that night.

What time did you actually leave the yard?—About 10.30.

What time did you leave the first time?—At 7.15. I went to the club, and the chauffeur came in while I was having my drink. I did not know his name until after this. I asked him to have a drink. He said, "I will have one, but I can't stay; I promised to meet the missus at 10 minutes to 8." I looked at the clock and I said, "It is now 20 minutes to 8."

Did you see him again?—No.

How long did you stay in the club?—Until about quarter to 10.

What were you doing at 8.45, can you say? Were you playing billiards?—I can't say. I don't think there would be a chance of a game that night, as there was a share-out of the Christmas prizes that night, the 22nd December.

When you went back to the yard again, had any of the

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vehicles been disturbed since you left them?—No, nothing had been moved from where I put them.

You had a man out, named Miles?—Yes, a cabman.

What time did he come in?—From quarter to 20 past 10. I was waiting for him to come in.

What did you say?—I said, "You put your horse in, and I will put your carriage away," and after he came out from putting the horse in I locked up, and we went down the road together, and at the tram clock Miles said, "It is quarter to 11." My missus was with me then.

What time did you open the sliding doors next morning?—About 7 o'clock, my usual time.

Did you find any change in the garage?—None whatever. Everything was as I had put it overnight.

When did you see Allaway?—About 8 o'clock, or a minute or two later. He cleaned his brass, went to his breakfast, and came back and got his car ready to go to the house.

What time would that be?—I think he was usually ordered about half-past 10.

Did you see him again?—Not until lunch time, between 1 and 2.

Did you see him a third time on that 23rd of December?—Yes, between 5.30 and 6. He put the car away, and the doors were locked up and bolted as usual.

When did you first hear of the murder?—When the *Echo* came out that evening.

Did anyone come and see you on the 24th of December?—Yes, a policeman and a detective. They asked if Mr. Sutton's chauffeur was there, and I said he was just backing his car out. They then spoke to him.

Did you notice whether the tyres of Mr. Sutton's car were new or partly worn out?—They were three parts worn out, what I could see of them; practically the tread was all worn off.

That was on the 22nd of December?—Yes.

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What pattern were the tyres on Mr. Sutton's car?—They were 820 by 120; non-studs, we called them. I don't understand about these Dunlop Magnums. I had four years in the motor trade and I know something about tyres, and I say one of them was a Michelin; that was on the near back wheel on the 22nd December, I think.

What lights did Mr. Sutton's car have?—She had two headlights, two sidelights, and a rear lamp. They were electric; she made her own electricity.

Could you dim them?—You could turn them out or turn them on; you could not dim them.

Have you been convicted of some minor offence?—Not a case such as this.

Something to do with horses, or a horse?—Well, yes.

Cross-examined by Mr. Inskip: Did you make any note of these times that you have told us of?—No.

Do you think you could say what time Allaway came or left on any night in December if I asked you?—I don't know. I could say every morning, but not every night.

Could you tell me what time Allaway left on any night except the 22nd of December?—Well, I would not be able to tell you the exact time; I did not take out my watch every time.

You did not time Allaway's movements, did you?—No, I had no reason to.

Is it a fact that you have made a great many statements about Allaway's movements on the 22nd of December?—On the 22nd I saw him the usual time.

You have made a great many statements to different people?—I do not think so.

Did you make a statement to Sergeant Prince on the 29th of December?—Sergeant Prince came to the club one evening, and I told him the car was in on the 22nd.

Did you say something else?—No.

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Did you say, "It is never out after about 6 p.m."?—I never knowed it out in December.

Did you say, "It is never out after 6 p.m."?—Yes.

Is it true?—Well, I could not recollect it being out.

Do you recollect it was often out after 6 o'clock?—No.

Was it sometimes out after 6 o'clock?—Not as I am aware of.

Do you swear you do not recollect it ever being out after 6 o'clock?—Not in December month.

Then if it was ever out after 6 o'clock it would be out without you knowing it?—Yes, it would be without me knowing of it.

Did you always wait until Sutton's car was in and cleaned and locked up in December?—He did not always clean it.

Please pay attention to the question. Did you always wait until Sutton's car was in and locked up?—I always saw the car in before I put my conveyances together.

Did you always wait there until you had locked up Allaway's car?—Yes.

Every night in December?—Well, I locked up every night after he was in.

Every night in December; will you swear that, Barratt?—Yes.

And will you swear that that took place by 6 every night?—About 6, or half-past 6 if he came in on a wet night.

It might have been half-past 7?—It might have been.

Then why did you tell the police the car was never out after about 6 o'clock?—I do not recollect swearing to it.

You did not swear to it, but why tell them?—I told them it was not out on the 22nd of December.

Did you tell the police, "It is never out after 6 p.m.," and when Prince asked you, "How do you know it was in?" did you reply, "If it had been out I should have known it"?—Yes.

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Did you make any statement to Police Constable Clements which you signed on the 11th of May?—Yes.

Did you say to Clements: "Allaway came in with his car about half-past 6, put the car in, and left within a quarter of an hour"?—I said about 6 to quarter past.

Is this what you said: "I was at the yard on the night of the murder, as I usually am. Allaway came in with his car about half-past 6. He put the car away, and left within a quarter of an hour"? Did you make that statement?—No, I said 6 to quarter past.

Did you have your statement read over to you?—No, I read it down myself, and I signed it.

Now you say that is not accurate?—I said in the first place he came in from 6 to quarter past.

Later you went to the Conservative Club?—Yes.

Did you see Allaway come in?—Yes.

What time was it?—When he was speaking to me it was 20 minutes to 8. I hadn't been there ten minutes myself.

Then if he came in after you he must have come in between half-past 7 and 20 minutes to 8?—Yes. I left the garage about 20 past 7. When Allaway left the yard he said he was going to his tea.

Are you very sure of the time in the club?—Yes, I looked at the clock when he said he had to meet his missus, and I saw it was 20 to 8.

Did you go to play billiards?—I can't recollect playing that night, on account of the share-out.

You won't say you did not play?—No, I can't say one way or the other.

When you want to play do you always write your name on the billiards sheet?—Not always. If you are playing a friend he may put your name down.

Will you look at exhibit 58 and see if you are down as playing Marsh? Is that your writing?—No.

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Is that your name?—No, because I was at the yard at 10 past 7; I was not in the club.

Is that your name next to it, playing Barter?—That is not my writing.

Is it your writing indicating you as playing Nicholls at half-past 9?—No.

None of these entries is your writing?—No.

You don't recollect whether you were playing billiards or not that night?—No, I don't recollect at all.

Did you say to Clements that you did not play billiards that night?—I said I could not recollect.

Your statement to Clements says definitely that you did not. I am putting these questions to you to see if you remember. Which is true: that you did not play, or that you do not remember?—I do not remember.

Now, did other cars come in late besides the man Hightman?—No, only the two taxis. I thought they came in on the 23rd, but he says he came in on the 22nd.

Do you remember Middleton coming in in the early morning and putting his car in? Very early in the morning?—No.

Do you know a man named Dashwood?—He drives one of the taxis.

Did he come in that night about quarter-past 9?—Well, Miles, who was out with the hackney carriage, said he saw him somewhere about half-past 9. I did not see him.

Was a space left for the taxis?—Yes, for them to run up behind one another.

Was the space left opposite No. 4?—No, always opposite No. 1 and No. 2.

When Allaway had his car out after 6, was a space left for him to run in?—Yes.

And however late he was a space was left for him?—Yes, but not after 10, when I locked up the stable doors.

Were there two locks on these sliding doors, one on 4 and 5

Charles Robert Barratt.

and one at the end of No. 6?—Yes, the Yale is the one on No. 6.

And what is the one on 4 and 5?—The Miller.

Did you show Superintendent Garrett an American lock with a hole at the bottom?—Yes.

Is that the lock you showed Superintendent Garrett?—I never showed Superintendent Garrett any lock.

Did you see Superintendent Garrett on the 22nd of June in your yard?—I can't say I saw him once in the yard.

On the 2nd of May did he ask you how the doors were fastened? Do you remember that?—I don't recollect that.

Didn't you show him a lock?—No.

Will you swear you did not show him a lock?—No.

Did you show him a key?—No.

Did you show him either of the keys you have produced to-day?—No, not that I am aware of. I saw Mr. Garrett, but I never showed him a key.

You swear that you did not show him a key?—Yes, I did not.

Was there another police officer with Garrett when he came to ask you about the doors?—Yes, there was someone with him.

To go back to the evening of the 22nd of December, did you have a conversation with Allaway that night?—No, I was not in his company more than five minutes.

No, I mean before he left the garage?—No, I just spoke to him as usual. He told me he was going to have his tea.

Did he tell you he had had his tea?—No.

Did you lock the doors as he left?—I locked the doors behind him. He was outside when I shoved the doors to.

And he must have seen you do it?—Yes.

Is that what happened every night?—Yes.

Can you give me a reason why you remember it?—Because of the share-out at the club.

Charles Robert Barratt.

Re-examined by Mr. Fox Davies: Was the space left for Mr. Sutton's car after that car had been driven in?—No.

And you locked up the garage every night?—Yes, I always locked it up myself. I do not say always the same time. Anything that came afterwards had to stay outside. Mr. Sutton's car was the last vehicle to go in.

Was there any vacant space after all the vehicles were packed in?—Only a little space by the office.

Was that space sufficient to get a car in or out?—No.

Do you often have to stay in the garage as late as 10?—No, I usually go away about 7 or 7.30, and I go back and lock up the stable door at 10. Everything else is locked up at 7.

Do you leave anybody on the premises?—No.

By the Judge: When the padlock was on the doors, fastening Nos. 4 and 5—you understand what I mean—Nos. 4 and 5 could be slid along together?—Well, you can push them together with a little force. In dry weather they run easy.

So that would leave No. 4 space open?—Yes, and there would then be four vehicles to be moved before you could get the car out.

ARTHUR VICTOR BARRATT, duly sworn, was examined by Mr. Fox Davies:

Witness said he lived at 17, Windsor Road, Boscombe, and assisted his father, the previous witness, in the conduct of Portman Mews. He said he remembered Allaway driving in with Mr. Sutton's car on the evening of 22nd of December, 1921, and he fixed the time between 6 and 6.15. The car, he said, was put in No. 4 lock-up, and Allaway remained only a few minutes on the premises. That evening there were about fourteen vehicles packed outside the lock-up doors; they were vans and carriages, and witness believed there were five or six actually in front of No. 4 door. He left the garage at 7.15, the

Arthur Victor Barratt.

place having been locked up at 7 o'clock by his father. It was possible to get in through the stable door, and that would not be locked until about 10, but he himself was not there then. Witness went on to say that he went from the Mews to the Salisbury Hotel, reaching the hotel about 8.5. He entered the private bar, and when he went in Allaway was sitting in the corner seat in the bar.

By Mr. Fox Davies: Which corner was he in?—The left-hand corner.

What was he doing?—Reading a paper.

Did you have drinks together, and who paid?—Yes, we had drinks together; I paid for one lot, and Allaway paid for the other. We treated one another.

Did anybody come in whom you knew?—Yes, a man named Charlie Brooks.

Was any lady with him?—I did not see one.

Did you see anybody else come in?—About 20 minutes to 9 Mrs. Allaway came in, and sat next to her husband.

Did you take any particular notice of the time?—Yes, I looked at the clock.

What was the last time you saw Allaway in the Salisbury that night?—About 5 minutes to 10.

Was there any change in his manner that evening?—No.

Do you know what tools Allaway had at the garage?—Yes, some he carried on the car, but there were some others on the floor of the garage in a rusty condition.

Do you remember what tyres were on Mr. Sutton's car?—Three Dunlop Magnums and a Michelin.

Which wheels were the Dunlop Magnums on?—The two front wheels and the off side hind wheel.

Do you remember which tyre was on the spare wheel?—No.

Cross-examined by Mr. Inskip: Are you speaking of four or five days after the murder?—Well, yes, the police came to

Arthur Victor Barratt.

us about four or five days after the murder, and they don't ask you questions for nothing, and so I made it my business to look at the tyres, and it was three Dunlop Magnums and a Michelin.

Then you do not know what tyres were on the car on the 22nd, 23rd, or 24th?—I did not take any notice then.

Then you do not know?—No.

What was your usual time for leaving the garage?—Well, between 7 and 7.30 p.m. in the winter time, unless I was ordered for a job.

Did you tell P.C. Clements on the 11th of May that you went to the Mews at 7 a.m., and left again at 7.30 to 8 p.m.? Yes.

On the 22nd of December what time did you leave?—Between 7 and 7.15.

And what time do you say you got to the Salisbury Hotel? —I went into the buffet bar first, but I knew nobody there, and I left that bar about three minutes to 8, and I went round to the private bar about 8.5.

Does it take all that time to go from one bar to the other? —No, I was talking to my wife outside for about 5 or 6 minutes.

Do you know that Allaway says he reached the Salisbury at 8.30?—I heard since I gave my evidence at Bournemouth.

Do you belong to the Working Men's Conservative Club? —No.

Then you never went to that club that evening?—No.

The prisoner left the garage about 40 minutes before you left it?—Yes.

And the garage was not locked up until you left it at 7 o'clock?—It was locked up at that time.

What made you take particular note of these times on the 22nd of December?—Because the police came to us four or five days afterwards, and it was easy to remember then.

Arthur Victor Barratt.

Were you on friendly terms with Allaway?—My wife did not know Mrs. Allaway then.

Did you say at the police court, "I do not know that I and my family are on friendly terms with the prisoner and his wife"?—Yes.

Did you remember at the time you gave evidence that Mrs. Allaway had been staying in the same house with you and your wife?—She had not been staying with us; she had been staying in the same house; that is all I know. I am not the landlord.

Didn't Mrs. Allaway stay in your rooms?—No, I have only got one room, on the top floor.

She was repeatedly in your rooms?—She may have been in our rooms, but she was not sleeping there.

By the JUDGE: Did she have her meals there?—She may have done on one or two occasions.

By Mr. INSKIP: And yet you said, "I do not know that I and my family are on friendly terms with Allaway and Mrs. Allaway"?—She was not sleeping in our room. I was not friendly with her. She was not a bosom friend of mine.

Re-examined by Mr. FOX DAVIES: For how long, as far as you know, did Mrs. Allaway sleep in the same house with you?—For about three weeks after Allaway's arrest.

Allaway himself was never there?—No.

The private bar in Palmerston Road is more the public-house part of the Salisbury Hotel?—Yes.

Examined by the JUDGE: Your attention was called to this matter within how many days?—Four or five days.

That is when the police came?—Yes.

Has anyone reminded you of that fact this morning?—No, sir.

Had anyone spoken to you just before you entered the witness box?—No, sir.

Not the solicitor, about the date, the 22nd of December?—Yes, he came and spoke to me about the date.

Arthur Victor Barratt.

The solicitor for the defence?—Yes.

This morning?—Yes.

Then why did you say "No" when I asked you first?—I did not quite follow you.

Do you not understand plain English? I asked you if anyone had spoken to you before you went into the witness box?—I thought you meant the outside public.

Is not the solicitor for the defence somebody?—Yes.

Did he remind you that the visit of the police a few days afterwards would help to refresh your memory?—He came and asked me a question like that.

The JUDGE: That will do.

The JUDGE (addressing Mr. Fox Davies): After that answer I think it my duty to say that it is quite improper for the solicitor for the defence to be communicating with the witnesses who are about to be called to give evidence, and especially those who have already given evidence before the magistrates.

Mr. FOX DAVIES: My lord, I did not know that anything of the kind had been going on. I have just been saying to the solicitor that it was unwise.

The JUDGE: I think it is something more than unwise.

Mr. FOX DAVIES: I should like to clear this matter up.

The JUDGE: I cannot listen to anything except upon oath. I shall consider, if you tender any evidence, whether I will accept it.

Mr. FOX DAVIES: My lord, I will tender Mr. Lawman, the solicitor.

The JUDGE: Very well.

ARTHUR JOHN LAWMAN, sworn, was examined by Mr. Fox Davies:

You are the solicitor instructed for the defence in this case?—I am.

Have you spoken to Arthur Barratt this morning?—When he first came in, yes.

Will you say what you said to him?—I told him particularly not to be aggressive.

The Judge (to Mr. Inskip): I do not know if you object. It is a collateral issue.

Mr. Inskip: I do not propose to cross-examine Mr. Lawman. My friend tenders him that he might make a statement, as I understand it, in self-defence, but if it is intended to be evidence in the case I should object to it.

The Judge: Although not strictly evidence in this case, I shall allow you to ask Mr. Lawman whether he made the statement made upon oath by Arthur Barratt, and whether it is true or not.

Mr. Fox Davies: I am afraid he was not in court at the time. He was ascertaining which of my witnesses are here.

The Judge: You may put what the witness has said, and ask if it is true.

By Mr. Fox Davies: The witness has said that before he entered the box you reminded him that he was speaking with the police four or five days after the murder?—I did not.

Miss ETHEL ISABEL SHAW, duly sworn, was examined by Mr. Fox Davies:

Witness said she was barmaid at the Salisbury Hotel in December, 1921, leaving in June, 1922. She knew the prisoner as a customer from October, 1921, onwards. He visited the hotel nightly. She remembered the night of the murder, and she heard about it the night after it happened. She saw the

Miss Ethel Isabel Shaw.

prisoner on the night of the murder in the bar of the hotel between 8 and 8.30.

Did you speak to him?—Yes, I asked him if it was pictures night, because his wife was not with him. I thought she had gone to the pictures.

How do you fix the time?—Because it was between the time of the first and second house at the Hippodrome, and I had to go over to the other bar to assist the other young lady. One of the young ladies had a day off.

By the JUDGE: What time would it be?—As far as I can remember, my lord, it would be about 20 minutes past 8.

By Mr. FOX DAVIES: So that you had seen Allaway before you went across?—Yes, and had served him.

Who took your place in that bar?—Mr. Baker.

When did you come back to the private bar?—About 20 to 9.

Was Allaway still there?—Yes.

Was a man named Charles Brooks there?—Yes.

And Arthur Barratt?—Yes.

Did you see anybody join Allaway?—Yes, Mrs. Allaway. She joined him about 20 minutes to 9, between 20 and quarter.

Was anything purchased of you for the baby?—Yes, a packet of biscuits.

Do you remember when they left the bar?—As far as I remember, about 10 to 10.

Do you remember what clothes Allaway was wearing?—A brown overcoat and an Alpine trilby hat, but I do not know the colour.

Did you see him on successive nights after?—Yes.

Did you have a conversation with him about his movements on the night of the 22nd of December?—Yes.

Do you remember the date of the conversation?—The Saturday after the murder.

Miss Ethel Isabel Shaw.

Do you remember being interviewed by the police?—Yes, that was a week or more after the murder.

Cross-examined by Mr. INSKIP: Do I understand you to say that on the Saturday night after the murder you and Allaway had a conversation about his movements on the night of the murder?—Yes.

Was Allaway a very regular customer?—Yes.

He came every night?—Yes, practically.

And Mrs. Allaway came every night except Mondays and Thursdays, when she went to the pictures?—Yes.

Did he come every night wearing a trilby hat?—Yes.

Did you always make that remark about it being picture night when he was alone? Was that a stock remark?—It was not a stock remark, but I said it occasionally.

It was a very common remark?—Yes.

Did he come in before half-past 8 on the night of the 22nd?—It was between 8 and half-past; I can't say exactly.

It may have been as late as half-past?—No, because it was before 20 past 8.

It may have been as late as 8.20?—No, because he had had his beer before.

When you came back from the other bar you found Brooks and Barratt there?—Yes, they came in just before I relieved the other side. I am not certain which came in first.

Were they with him when you left the private bar?—Yes, so far as I remember.

Mr. Baker took your place when you went across to the other bar?—Yes.

Does it happen often that you have to go across to relieve the other side?—Twice a week.

Examined by the JUDGE: The 22nd of December was a Thursday?—Yes, my lord.

Do you remember whether the prisoner was there the

Miss Ethel Isabel Shaw.

Thursday before that, the 15th?—I expect he was, my lord, because he was regular.

Could you give me the time that he came in on the 15th?—No, my lord, I have no recollection.

Have you the time that he came in on the Wednesday before?—No, my lord.

Or on the Friday?—It would be between 7 and 7.30 on the Friday. Most nights it was between 7 and 7.30.

And he was later, you remember, on this night, the 22nd, than usual?—Yes, my lord.

MERTON EDWIN BAKER, duly sworn, was examined by Mr. Fox Davies:

Witness said he was a barman at the Salisbury Hotel. It was part of his duty to relieve the barmaids when some of their number had half-days off. This was on Tuesdays and Thursdays. Miss Shaw would have to go into the saloon bar to relieve there on Tuesdays and Thursdays as nearly as possible between 8.20 and 8.40. On the 22nd of December he relieved Miss Shaw in the private bar about 8.20 until about 8.40, but there was nothing unusual on that evening to fix the time more precisely. Allaway, Brooks, and Barratt, junior, were there at the time he was relieving Miss Shaw. Allaway was sitting down reading a paper.

Cross-examined by Mr. Inskip: What was Allaway's usual time for coming in?—It varied. Sometimes he might come in before 8 and sometimes after 8.

Did he never come in before 8?—Sometimes, but I rarely saw him.

He came there every night?—Yes.

Did Brooks come there every night?—Almost every night.

And young Barratt?—Yes.

Merton Edwin Baker.

How many regular customers use that bar every night? Twenty or thirty?—Yes.

And do you think you can remember six months afterwards what any one of those regular customers had for drink on a particular night?—Yes, if you have something to go by.

What had you to go by on this night?—We heard tell about the murder, and on the Saturday we talked about it after we closed, Miss Shaw and me.

Do you mean that you suspected some of the customers might have committed the murder, and so you made a note of it?—No.

Re-examined by Mr. Fox Davies: Everybody was talking about the murder, and the chauffeurs, and the tyres on their cars?—Yes.

CHARLES RAYNER BROOKS, duly sworn, was examined by Mr. Fox Davies:

Witness said he was a carman living at 27, Somerset Road, Boscombe. He believed he was at the Salisbury Hotel on the night of the 22nd of December somewhere between 8 and 9, but he was not sure of the time. He saw Allaway there, but he could not remember whether Allaway was there when he arrived or whether he came in later. He borrowed 10s. from Allaway on one night, but he was not sure whether it was on the 22nd or earlier. He had had two or three financial transactions with Allaway at the Salisbury Hotel. He stayed in the private bar until closing time.

In cross-examination witness said sometimes he lent money to Allaway, and sometimes Allaway lent money to him; it was according to their needs and means.

By the Judge: Was your wife there with you, or not there?—She was not there with me on the 22nd.

Charles Rayner Brooks.

Did you say before the magistrates that she was there?—I did not.

Did you say that Mrs. Allaway and Mrs. Brooks were there?—Yes.

Mrs. Brooks means your wife?—Not necessarily.

Was there any Mrs. Brooks there that night of the 22nd?—Yes, as known.

Who is she?—A person that I know as Mrs. Brooks.

There was a person there known as Mrs. Brooks, but not your wife?—Yes.

Is she a woman who poses as your wife?—As known, correct.

GEORGE TROKE, duly sworn, was examined by Mr. HAWKE:

Witness said he lived at 14, Carnarvon Road, Boscombe, and he drove a cab for Mr. Barratt, senior. On the evening of the 22nd of December he remembered that he was busy at the Portman Mews, cleaning a horse cab which he had been using during the day. He was thus engaged between shortly after 6 and between 8 and 9. He was sure he saw Mr. Sutton's car there all that time, and the sliding doors were all closed, and the space in front of the sliding doors was all filled up with vehicles, vans, and landaus. It may have been "something like half-past 8" when he left the garage that night.

Cross-examined by Mr. CLARKE, the witness admitted that when Mr. Sutton's car was out a space was left for it to drive in to No. 4 sliding door and the space behind it. He could not remember any other specific date when Mr. Sutton's car was either in or out; he could only remember the night of the 22nd of December. That was a wet day, but he could not remember what other day that week was wet; he never took any particular notice except that night. He was sure the sliding doors

George Troke.

were locked that night before he left about half-past 8, but he could not say when they were locked, or who locked them.

By Mr. CLARKE: Did you see them locked?—Never.

Was there a lock on the doors of Nos. 4 and 5 on the 22nd of December?—I could not say.

Have you ever seen a lock on these doors?—Yes.

When did you first see a lock on them?—I saw it when Mr. Kitchener locked his car in and gave me the keys to give to Mr. Barratt.

Was that before or after the 11th of May?—I could not say that.

In further cross-examination witness said he could not remember being interviewed by the police, nor could he remember giving a statement. When shown his statement, with signature, he remembered it. He then admitted he had told the police, "I have never seen a lock on the centre doors."

Was that true?—I had not seen one then, but I have since. The lock that was locked up was on the end door.

By the JUDGE: The only lock that you ever saw was the one at the end—that is, up to Christmas last—the one fastening the door to the stable?—Yes, my lord.

In re-examination witness said he had no regular hours; he plied for hire, and set his own times.

JAMES MILES, duly sworn, was examined by Mr. Fox DAVIES:

Witness said he lived at 16, Gordon Road, Boscombe, and was a cab-driver, driving for Mr. Barratt, senior. He remembered the night of the 22nd of December, 1921, because he had a late job that night, to take a fare from Owls Road, Boscombe, to St. Peter's Hall, Bournemouth. He had to pick that fare up at quarter-past 7 in the evening, to be at St. Peter's Hall by 8 o'clock. He got back to Portman Mews about half-

James Miles.

past 8, and put his horse in the stable, and his carriage under the lean-to close to the office. All the sliding doors were shut at that time, and the outside part of the mews was full up with vehicles. He went home, and returned to the mews again about half-past 9, and he noticed no alteration in the disposition of the vehicles then. He took out his horse and carriage, and went to St. Peter's Hall again, returning to the mews at 1.30, when he saw Mr. and Mrs. Barratt, senior, there.

Cross-examined, witness said that when he went to the mews at 8.30 there was no one there. At that time there was room for the taxis to get in. Questioned about the motor cars kept at the mews, he said he knew nothing about them; he was only a cabman.

JOHN GIRLING, duly sworn, was examined by Mr. Fox Davies:

Witness said he was employed by Mr. Barratt, senior, to look after horses at the Portman Mews. He remembered the 22nd of December, 1921, because that was the night he had to "go after a Christmas box." He was working on the horses in the stables from 6 p.m., and he left the stables about quarter-past 7. The sliding doors were all closed, and the vans and other vehicles were packed in front before he left. He did not see Sutton's car come in, but he believed he heard it run in while he was doing the horses.

Cross-examined by Mr. Inskip, witness admitted that the space outside the sliding doors was not quite full up when he left at 7. Miles's cab was not in for one, and there was a space up the middle of the yard. There was also another cab out, besides Miles's. He admitted that in saying what he had before said he was thinking of what happened usually.

ARTHUR BROWN, duly sworn, was examined by Mr. Fox Davies:

Witness said he was a beetroot salesman, living at 51, St. Clement's Road, Boscombe. On the night of the 22nd of December at 20 minutes to 9 he entered the private bar of the Salisbury Hotel and saw Allaway there. He left the bar at 5 minutes to 9, leaving Allaway there.

Cross-examined by Mr. Inskip, witness said he did not see Mrs. Allaway there; she was not there when he left. Neither Charles Brooks nor Arthur Barratt was there during the time he was there.

RAYMOND WICKHAM, duly sworn, was examined by Mr. Fox Davies:

Witness said he was the steward of the Boscombe Working Men's Conservative Club. Records were kept of the games of billiards played at that club, and he produced the billiard sheets of the 22nd of December, 1921. Four tables were kept for billiards and a fifth for snooker. The Christmas prize distribution was made during the evening by Dr. Hosker, and all games were suspended during the distribution for a period of about three-quarters of an hour.

Cross-examined, witness agreed that the billiard sheets showed Barratt, senior, playing a member named Marsh at 7.10, also playing Barter at 7.45, and also playing Nicholls at 9.30.

WILLIAM BARTER, duly sworn, was examined by Mr. Fox Davies:

Witness said he lived at 103, Haviland Road, Boscombe, and in December and January Allaway and his wife had furnished rooms at his house. Allaway used to shave himself every morning.

William Barter.

Cross-examined by Mr. Inskip, witness said he was a cab-driver. Allaway and his wife went out every evening between 6 and 7 o'clock, and remained out until about 10.

And is it a fact that he never came in on any evening by himself?—Not to my knowledge; he may have done, for his entrance was by the front door.

It is quite sufficient whether you ever remember his having come into your house by himself, after going out with his wife?—I do not remember his doing so.

Mr. Fox Davies then called Dr. Gerald Arthur Smythe to prove that a witness, Mrs. Greenhalgh, was unfit to give evidence. Dr. Smythe said he thought she would be well enough to give evidence the next day, and Mr. Fox Davies asked that his case might be left open until then so that he might call her. From her proof he considered her evidence would be very valuable to the defence.

The Judge asked what the nature of her evidence was to be.

Mr. Fox Davies said he understood she would say she saw the prisoner in a different place on the night of the 22nd of December. There was also a witness he wished to call on another point, but he was not here.

The Judge said he was anxious not to waste time. He would allow the witnesses to be called next day.

Mr. Fox Davies, in his final address to the jury, said the prosecution had suggested three lines of identification which converged upon the prisoner Allaway. It was sought to identify him with the sender of the telegrams, with the man who bought the *Morning Post* at Samways' shop on the 22nd of December, and with the man who drove Miss Wilkins away from Bournemouth Central Station at 7.10 on the 22nd of December. Criticising the submissions of the prosecution, counsel argued that it was far from being proved that the

man who drove Miss Wilkins away from the station was the man who committed the murder; and, apart from that, he argued again that that identification was far from being conclusive. In this matter of the supposed identification of Allaway with the man who drove Miss Wilkins away from the Central Station, counsel referred to the case of Adolph Beck, who was supposedly identified by many witnesses, and yet who was conclusively proved not to be the real culprit. There was a very great danger in relying upon evidence of identification six months after an occurrence. As for Samways' evidence, counsel argued that in itself it contained proof that it was not Allaway who bought the *Morning Post*. The man, whoever he was, wanted to find a barber to get a shave. Allaway always shaved himself. The evidence of Humphris was certainly definite, but the jury ought to regard it with great suspicion, if indeed they ought not to reject it altogether, for the reason that Humphris had only seen the car and its occupants for a very brief and fleeting moment and in artificial light, circumstances which made it impossible to make a reliable identification.

The Court then adjourned for the day, Mr. Fox Davies not having completed his address.

FIFTH DAY'S HEARING

(The Court sat again on Friday, the 7th of July.)

Mr. Fox Davies: My lord, I have only one of my witnesses present, a Mr. Butterworth, who is an authority on common mistakes in spelling. I will call him.

The Judge: I understood you only spoke of one witness.

Mr. Fox Davies: And this one, my lord.

JOHN BUTTERWORTH, duly sworn, was examined by Mr. Fox Davies:

Witness said he was now a hotel proprietor, but for many years he had been a schoolmaster. He had published a book, and in that book there was a chapter on common mistakes in spelling.

Is that a copy of that book?—Yes.

When was it published?—In 1886.

Mr. Inskip: I must object to this, formally.

The Judge: It is quite irregular. (To Mr. Fox Davies) Do you suggest that any book that anybody has written is evidence?

Mr. Fox Davies: Yes, my lord, if I get the author of it into the witness box.

The Judge: Then I hold that you cannot.

Mr. Fox Davies: If your lordship pleases. Mrs. Greenhalgh is not here, so I will not ask for further indulgence.

Mr. Fox Davies then concluded his address to the jury. In the course of his observations he referred to another case.

The Judge: It is quite irregular, Mr. Fox Davies, to tell the jury about another case.

Mr. Fox Davies: I was doing it for the purposes of my

argument, my lord. I have done it before many other judges in other courts.

The JUDGE: I can quite believe it, but you will not do it before me.

Mr. FOX DAVIES: If your lordship pleases.

Mr. INSKIP, in his concluding speech for the Crown, said this seemed a purposeless murder, but he invited the jury to put on one side any speculation as to why the murder was committed and to pay their attention solely to facts bearing upon the murder itself with a view to determining the question: Is the prisoner Allaway guilty or not guilty of the murder? On behalf of the prisoner an alibi had been set up, and, suggested counsel, it had been set up for the purpose of throwing doubt upon the evidence brought by the prosecution. When it came to be analysed and tested the evidence brought by the defence was found to be the most conflicting and perplexing it was possible to imagine. The two Barratts had sworn that when they left their garage about 7 p.m. on the 22nd of December the sliding doors were locked and the whole of the space in front was full up with vehicles, no space being left for another to get in. Yet their own cross-examination, and subsequent evidence, went to prove that this was wrong, that the last vehicle was not in until after 10, and that a way in was left. The evidence that Allaway was in the Conservative Club between 7 and 7.30 on that evening was supported only by the evidence of the elder Barratt, yet, when Barratt's evidence was tested by that of Allaway himself it was found that Barratt's evidence was wrong; and, when cross-examined, the unreliability of Barratt's memory was proved, for he could not remember that he played three games of billiards in the club that evening, a fact which was proved by the club's billiard sheets. As for the question: Was Allaway in the Salisbury Hotel that evening? the evidence was conflicting as to when he arrived. Looking at all

the witnesses, Barratt, junior, was the only one who put the time as early as 8.5, and Barratt's evidence on this and other points was flatly contradicted by other witnesses for the defence. Allaway himself said he reached the hotel by 8.30. What it all came to was this: The evidence concerning the car rested mainly on the evidence of the two Barratts, and their evidence was proved by other of the defence witnesses to be wholly unreliable. As for the evidence of Barratt, junior, that Allaway was in the Salisbury Hotel at 8.5, that evidence was contradicted by the evidence of Brown and Mrs. Dundee. If Allaway was only able to prove that he was at the hotel by 8.30, that was of no use for the purposes of defence, for that was well beyond the danger zone. Counsel submitted that the evidence in support of the alibi was quite unreliable, and therefore ought to be disregarded. As for the evidence of Allaway himself the jury might probably think it was a very significant circumstance that he should put himself in the seclusion of his own room at just about the time which the prosecution suggested the murder was committed, namely, between 7.30 and 8. Counsel then indicated one after the other the facts which the prosecution had proved, and which they suggested pointed to Allaway as being the murderer. There was the definite evidence of Humphris, of the signalman Nash, of Mr. Gribble and Mr. Richards, that a car closely resembling that of Mr. Sutton was at Bournemouth Central Station about 7 o'clock on the night of the 22nd of December, and there was the added identification of Humphris and Nash that Allaway was the driver of that car at that time. There were the car tracks in the road by the scene of the crime, tracks which corresponded with those made by the car which the prisoner drove. There was the coincidence of the address on the telegram sent to Miss Wilkins with that of the house where Mr. Sutton's son lived. There was the very remarkable circumstance of the finding of the attaché case just opposite the house where lived Mrs. Sutton's sister

at Branksome Park. And there was the very striking resemblance between Allaway's handwriting and the handwriting on the three decoy telegrams. Why did the prisoner so strenuously deny that he wrote the letter, exhibit 43, sent from Duren? Was it not because he knew there was a fatal similarity between the handwriting of that letter and the handwriting on the telegrams? With confidence it might be affirmed that there was now no doubt that that letter, and all the post-cards, were in Allaway's handwriting. If the jury found that the spelling and the handwriting in these documents and in the telegrams pointed to Allaway as the author, it was strong corroboration of the evidence of the witnesses who said Allaway was at Bournemouth Central Station when Miss Wilkins arrived. If after considering all the evidence they came to the conclusion that Allaway was the murderer of Miss Wilkins, it was their duty to say so.

The Court then adjourned for lunch, and, on reassembling, the Judge began his summing-up, at 1.50.

THE JUDGE'S SUMMING-UP

The Judge: Gentlemen of the jury, I need not repeat the warning, which has already been given to you more than once, to discard from your consideration anything which you may have heard or read about this case before you took your seats in the jury box. The learned counsel for the prisoner has very properly admitted that the offence, by whomsoever committed, amounts to the crime of murder. It can be nothing less. Whether this woman was killed in order that she might not live to give evidence against the man who decoyed her to this lonely spot, or whether she was killed—as you may probably come to the conclusion—in an attempt to ravish her, is quite immaterial. In either case the offence must be murder, and

nothing else. You will probably come to the conclusion, as I have said, that she was killed in the course of, and in consequence of, an attempt to ravish her, an attempt frustrated by the heroic resistance of a muscular and well-developed woman, and one who at that time was a pure virgin. The attempt that was made upon her possibly was also foiled by the nature of the undergarments that she was wearing. The bruises which the medical witness who made the post-mortem examination has spoken of, on her arms, on her left hip, and particularly on her thighs, and the bloodstains on the undergarments, possibly produced by a bloodstained hand, all point to an attempt to ravish her. It is impossible, and unnecessary, to attempt to reproduce the actual scene which took place. Sufficient to say that upon the evidence of Dr. Gibson it would appear that she was probably struck first of all in the face with the fist and knocked down in the gorse bushes at the corner of these two roads, the gorse bushes outside the fence where her hat was found, and that then blows by some heavy instrument were delivered on her head and face when she was on her back on the ground. The pieces of gorse which were found in her hair, and the blood in the gorse, indicate that that is what must have taken place, and it would appear, from the evidence of the bloodstains on the ground and on the fence, that after she had been so struck on the head with this heavy instrument, causing bleeding, that the body was then dragged through the fence into the field where it was found. Having regard to the position in which the body was found, and the position of the clothes, it appears even possible that a fiendish attempt was made to complete this horrible offence while she was actually dying in the field. The question in this case is: Does the evidence, not one piece of it, not one particular piece of it, but does the evidence as a whole, when looked at as a whole, satisfy you that the prisoner is the person who committed that murder? Remember, it is not for him to satisfy you that he is innocent. The burden of proof is always upon

the prosecution in such a case. If the evidence given for the defence satisfies you that he is innocent, of course he is entitled to be acquitted. If the evidence given for the defence raises in your minds a reasonable doubt whether he is guilty, then, equally, he is entitled to be acquitted. If, on the other hand, you should come to the conclusion that the evidence given for the defence is either false, in the sense that it is deliberately false, or that it is fictitious in the sense that it is mistaken, then you may take that into consideration, and you may come to the conclusion that such evidence, being either false or fictitious, strengthens the case for the prosecution. That is the way you should look at it.

Now, I suggest that you should approach the consideration of this case by asking yourselves the following questions: First, is there any doubt that some person sent these three telegrams on the 17th, 20th, and 22nd of December? Secondly, is there any doubt that they were sent for the purpose of luring young women to Bournemouth for an unlawful purpose? Thirdly, is there any doubt that the person who sent the telegram on the 22nd of December would be at the station with a car to meet the 4.30 train? Fourthly, is there any doubt that the person who did meet the deceased, and drove her away in the car, was the person who committed the murder? Fifthly, ask yourselves, is there any doubt that the person who committed the murder took away the attaché case and hid it where it was found at Branksome Park? Sixthly, is there any doubt that the car which took the deceased to the scene of the murder had upon it Dunlop Magnum tyres? And the reason why I am suggesting that you should put these six questions to yourselves is this: This has been truly described as a case of circumstantial evidence, not the less reliable on that account; in fact, it has often been said that circumstantial evidence is more reliable than what is called direct evidence. As an illustration of what I mean, if this prosecution depended solely upon the identification of Mr. Humphris of the prisoner and the car on the night

of the 22nd of December, or if it depended upon the evidence of some witness who said that he saw the prisoner get out of the car with this woman at the corner of Seafield Road on the night in question, that would be direct evidence, and it would be open, of course, to the criticism that such witnesses might be mistaken in their identification. And if the case rested there alone it would probably be said it would be unsafe to rely upon such evidence. But if you find a number of circumstances, all deposed to by independent witnesses, witnesses independent of each other deposing to facts which, when they are fitted together like pieces of a puzzle, produce one picture, and that picture represents the prisoner's guilt, then a conclusion founded upon such evidence is much more safe and reliable than a conclusion founded upon the evidence of one person who swore he saw the crime committed. It has been expressed in another way, that circumstances cannot lie. The learned counsel for the prisoner has quoted to you a passage from a report in a Blue Book on another case of which some of you may have heard before. Some of us have heard it until we are tired of hearing it. But that passage confirms what I have just been saying. The passage is to the effect that evidence of identification alone is not sufficient to rely upon. It is only sufficient to rely upon when it is supported by other facts. And what you have to consider in this case, when you are looking at such identification of the prisoner as there is, is whether that identification is supported by other facts which all lead and point to the same conclusion that he is the guilty man.

Now I will revert to these different questions which I have suggested to you may well form the basis of your consideration in this case. As to the first question, which is whether these three telegrams were sent by the same person, on the 17th, 20th, and 22nd of December, in deciding that you will have to consider the handwriting of the three telegrams, the spelling of the three telegrams, and the phrasing of the three telegrams,

and then, having compared the handwriting, spelling, and phrasing, whether you have any doubt that it was the same person who wrote all three. If you come to the conclusion that it was the same person who sent all three, then you will naturally ask yourselves the next question: Does the evidence satisfy you that the prisoner sent or wrote any one of those three telegrams? Because if you are satisfied that the same person sent all three, and if you are satisfied that the prisoner sent any one of them, then it follows that he sent all three, and in connection with that point whether the prisoner sent any one of them you will have to consider the identification, such as it is, by the post office clerks. I will come back to this because it is a most important feature in this case—that is, the handwriting.

The second question which I submitted to you is: Is there any doubt that those telegrams were sent for the purpose of luring young women to Bournemouth for an unlawful purpose? The answer to that is quite simple. They were all sent with fictitious names and addresses, and I take it you cannot doubt that they were sent for the purpose of luring young women to Bournemouth for an unlawful purpose.

The third question: Is there any doubt that the person who sent the telegram of the 22nd of December would be at the station to meet the train with a car? The telegram says: "Come by 4.30 and car will meet train at Bournemouth Central." You will consider whether there can be any doubt that in fact there was a car at the Central Station to meet that 4.30 train, and a car which attracted the attention of Mr. Humphris. Whether or not he is right in his identification of the prisoner there, I presume you cannot doubt that there was such a car there which attracted his attention, he being an expert in such matters; and I presume that you cannot doubt that, his attention having been called to that car, it was that car which took Irene May Wilkins away to her death. You will bear in mind that he had seen the lady arrive at Bournemouth

by that train, he had heard her ask a question from the window of the carriage of a railway official, obviously asking if it was Bournemouth Central; he had seen her alight from the carriage, and, as she alighted, she stood beside him, and he noticed her dress, and in particular her hat, and he noticed that she was behind him as he left the exit. And immediately after that he swears that he saw that same hat going away in a motor car, the lady sitting beside a chauffeur. You have seen the hat, and you must judge whether in fact there was a motor car there which took away Miss Irene Wilkins from the station when that train came in at 7.3.

The next question is: Have you any doubt that the person, whoever he was, who did meet the deceased, was the person who committed the murder? As to that you will have to consider again the evidence of Mr. Humphris, and of the witness Nash the signalman, identifying the prisoner, and the subsequent identification of the car by Mr. Humphris within a few days, and the taking the number of it by his son both on a matchbox and on a slip of paper. I will return to that, because the evidence of Mr. Humphris is so important that I propose to remind you of it in a moment.

But, to finish these questions: Is there any doubt that the person who committed the murder took away the attaché case and hid it at Branksome Park? As to that, the prisoner had an opportunity of disposing of the attaché case where it was found, if, in fact, he did it. And the sixth question is: Is there any doubt that the car which took the deceased to the scene of the murder had a Dunlop Magnum tyre on the near-side hind wheel? As to that you will have to consider the evidence that Mr. Sutton's car had Dunlop Magnum tyres on it and a Dunlop Magnum tyre on the near hind wheel.

Now I propose to refer, as I said I would, to the question of the handwriting of the three telegrams, and if you have the photographs before you I will ask you to follow me. Will you look at the words "Car will meet train" in the exhibits 7 and

8, and compare those words in No. 7 with those in No. 8. Now will you look at the word "Waterloo," which occurs in all three; look at the word as a whole, not any particular letter. Next look at the word "expence," which occurs in exhibit 6 and exhibit 8. It is wrongly spelt, but I am passing that by for the moment. Now look at the word "urgent," which occurs in 7 and 8, on the last line in each case. Having looked at these particular instances, then look at the general character of the writing in all three, and also look (although to my mind it is of minor importance) at the spelling of the word "Bournmouth," which occurs in 6 and 8, omitting the *e* in the middle, and the spelling of the word "expence," which again occurs in 6 and 8. It is for you to say what you think of it, but I regard it as of less importance than the actual handwriting. Having looked at those in the way I have suggested, if you come to the conclusion that they were written by one person, the next question is: Is any one of them in the prisoner's handwriting? For the purpose of deciding that point I would ask you to look, first of all, at the application for the licence, which is exhibit 18. You will see there the word "Boscombe." Compare that word as it is written there with the word as it was written in the telegram exhibit 7. Next look at the words "motor car" in the application for the licence, and compare the word "car" as it appears in the telegrams with it in the application; and look at the capital *M* in "motor" in the licence application, and in "Morning Post" in the telegram exhibit 8. And, finally, compare the word "London" in the application with the same word in the telegram addressed to Miss Wilkins.

Now, there is no question about exhibit 18 being in the prisoner's handwriting; he himself admits that. Then you have to compare the telegrams with the documents which are exhibits 18 to 32, which are post-cards which are alleged to have been sent by the prisoner to his wife. And you have also to compare them with exhibit 47, which is a statement made

and written by the prisoner after his arrest. In addition to those post-cards there is a letter which is marked exhibit 43. That is a letter which, as you know, the prisoner has emphatically denied was written by him. You will have to ask yourselves why he has denied that. Have you any doubt that it was, in fact, written by the prisoner? You will have to ask yourselves why it was his wife hesitated to admit that letter was written by the prisoner. It is a letter signed "Your ever loving husband, Tom." She admits that when she received it she believed it was from him; she never had any doubt about it when she received it. The prisoner told the police he did not write it; it was written for him by a man named Bennett, who was in his company when he was in Duren in the Army of Occupation. The prosecution found the only man who went by the name of Bennett in the company, and they produced that witness here, and he swore that he never wrote that letter. Then the prisoner went into the witness box, and he said when he was in Duren he had three letters written for him by a man named Bennett who was in his company. I think everyone supposed that the prisoner at that time was intending you and me to believe that this particular letter was written by Bennett, but, when it was shown to him, he said: "Oh no, I did not mean that that was written for me by Bennett. Not only did I not write it, but I did not suggest that anybody wrote it for me." The importance of this is that you are being asked to rely upon and accept the evidence given by the prisoner in the witness box. If you come to the conclusion that he is swearing what he knows to be false with regard to this letter, you must ask yourselves why he is denying it. Next you must ask yourselves whether you can rely upon anything which he has said with regard to his movements on that night.

Now I will suggest to you why this letter, of all others, has been picked out by the prisoner for this denial. Is it because it is so obvious that the writing in it, or some of the writing in it, is so like that which is found on the telegrams that it was

inexpedient, to put it politely, for the prisoner to admit that it was his writing?

[His lordship proceeded to draw the attention of the jury to details of handwriting and spelling in exhibit 43, and invited them to compare these details with similar words in other exhibits of admitted handwriting.]

If you come to the conclusion on those comparisons that exhibit 43 was, in fact, written by the prisoner, what reliance can you place upon his evidence, and what inference do you draw from the fact that he has persistently denied that he wrote that letter, that his wife in the witness box refuses to admit it is his letter, and that the prisoner had first given one account of it having been written by a man named Bennett, and then when he comes here he says it was not written by him or by anybody on his behalf? Is there any other reasonable inference to be drawn from it except that the writing in that letter is so like some of the writing in these telegrams (as Mr. Gurrin has pointed out) that it was inexpedient for the prisoner to admit it?

Now, in addition to that comparison with these post-cards and with that written statement, exhibit 47, and with this letter, exhibit 43, you will see, if you look at exhibits 44, 45, and 46, which, as you know, are copies of these telegrams which the police asked the prisoner to write, that he wrote them in an upright fashion, very distinct from the ordinary sloping writing which had been his characteristic before, with the one exception of the post-card which he says he wrote up against the wall at the post office. As you know, when writing up against a wall you write in a much more upright fashion than if sitting at a table. Now, these copies of these telegrams are important because you will find in exhibit 46 the word "advertisement" misspelt, leaving out the *e* after the *s*, and you will find the same misspelling in exhibit 6. And you will find in exhibit 45, which is a copy of the second telegram, the word "pleasant" spelt "plesent," the same as it appears in

exhibit 7. And that same word was spelt by the prisoner in the witness box in the same way, without the *a* in the middle. Then, apart from these features, which I have only selected for your assistance, you have to consider the evidence of Mr. Gurrin as a whole, and I wish to say this with regard to it. Mr. Gurrin was cross-examined in what I may call the usual style. He was asked whether juries had not, on other occasions, found a verdict which was not in accordance with his expert evidence. All I can say about him on this occasion is that no expert could have given evidence in a more proper and reputable manner than Mr. Gurrin gave in this case, apparently fairly admitting that there were, as there always are, dissimilarities even in the handwriting of the same person. Judging by your own experience, do you not find that writing with a different pen, or under different circumstances, you make letters sometimes in one way and sometimes in another? Mr. Gurrin, not content with expressing an opinion formed as a result of long experience, has in this case put before you his reasons for his conclusions, which is the proper form in which every expert should give them. You are not bound by his opinion, but you have before you the reasons for his conclusions, and it is for you to judge and say whether you come to the same conclusion—namely, that these telegrams were written by the same person, and that that person was the prisoner. I am not going through all the instances; you will find them on pages 13 and 14 of Mr. Gurrin's exhibit, No. 49. Having considered, not only the instances to which I have referred, but also all these instances in that book, it will be for you to say whether you can entertain any reasonable doubt that the prisoner is the author and the writer of these telegrams.

Now, I have already said to you that in considering the writing you will also consider the alleged identification of the prisoner as the person who did send one or more of these telegrams. Here, again, bear in mind that if you were being asked to decide this case upon the evidence of the post office clerks,

and their identification of the prisoner, you would, no doubt, quite properly—in fact, I should so advise you—say that it would be quite insufficient to go upon their evidence alone. Just see what it is. With regard to exhibit 8, which is the telegram of the 22nd of December, Clara Barnes is the witness who took it in, and she does not profess to identify the prisoner at all; she has no recollection of the man who brought it in. It was, in fact, handed in at Boscombe Post Office at 10.15 on the 22nd of December, and it has been pointed out to you that it is a fictitious name and address of the sender—namely, "Wood, Beech House." An observation has been made about that by the learned counsel for the prisoner which I think calls for some notice on my part. He said the case for the prosecution being that the prisoner had bought a copy of the *Morning Post* on the morning of the 22nd of December, and having the advertisement before him of Miss Wilkins, would not be likely to make a mistake in the spelling of Thirlmere Road. Well, that is for you to judge whether he would necessarily have a copy of the *Morning Post* actually before him at the time, or whether he might not have taken the address from his memory, having read it previously. It is also said by Mr. Fox Davies that this name "Wood, Beech House" is not likely to have been written by the prisoner because it was spelt "Beach," as Mr. Fox Davies thought, and he argued that the prisoner knew perfectly well the way in which this house, "Beech Hurst," was spelt, that it was the tree and not the shore, and therefore he was not likely to make such a mistake. You shall have the original telegram before you, and, although in the photograph it appears a little blurred, it is for you to say whether that word is not spelt "Beech," and not "Beach," as Mr. Fox Davies thought.

Passing from that telegram, there being no actual identification of the prisoner in regard to it, you have to look at the evidence with regard to the first one, No. 6. The witness as to that is Lilian Diplock, who took in that telegram, and,

although not professing positively to identify the prisoner, she swears she believes the prisoner is the man who brought it in. It was handed in at Boscombe Post Office at 1.33, a time at which, in the ordinary course, prisoner would be free. And now you come to exhibit 7, which is an important one for this purpose. That was handed in at Bournemouth Post Office at 2.56 on the 20th of December. The witness Alice Waters is the clerk who took that in, and I think it right that I should remind you of the evidence that she has given on the subject. She says: "I received this on the 20th of December at 2.56 p.m. It was a man dressed as a chauffeur who brought it. I believe it was the prisoner. I asked what the word 'car' was [you will see it is quite obvious some inquiry should be made about it, for it looks like "ear"]. He said: 'Car—car will meet.' I gave a statement to Superintendent Garrett on the 24th of December—that is, four days afterwards. I went to the Boscombe Post Office early in February. I saw the prisoner at the post office there, and when I heard his voice I recognised it, and mentioned the matter to Miss Clements. On the 6th of May I went to the police station and saw eight or nine men, most of them dressed as chauffeurs. I saw the prisoner and pointed to him. Then I asked if he might speak, and he repeated the words 'Car—car will meet.' I asked that he might speak again. He repeated the words, and I said there was a direct resemblance in the voice. To the best of my belief he resembles the man who handed in the telegram. I saw the prisoner in the office on several occasions in February. I did not see him again at Bournemouth. I called Miss Clements' attention to him the first time I saw him at Boscombe." And Miss Clements corroborates that Miss Waters pointed him out in February. Having recognised his face and voice, Miss Waters points him out, he is followed, he goes to the Portman Mews garage, and he turns out to be the prisoner. You must take that evidence into your consideration in conjunction with the evidence with regard to the handwriting. As I said before,

this is not a case which can depend upon the criticism of one piece of evidence. In every case of circumstantial evidence each piece may be criticised, and, in a sense, picked to pieces. What you have to do is to look at the combined effect of these different facts which are deposed to by the different witnesses.

Now, having dealt so far with the telegrams, and the writing, and the identification by the post office clerks, I will refer to Humphris and Nash as to what took place on the 22nd of December. The evidence of Mr. Humphris is, perhaps, the most important of any single witness in this case, and I think it right to remind you of some of what he said. He is a consulting engineer and designer, and you must bear that in mind when you consider the value of his identification either of the car or of the person who was driving it. He says: "On the 22nd of December I came down from London by the 4.30 train. I got out at Bournemouth Central. My attention was attracted to a lady who got out of the train. She had a dark brown coat, a chocolate-brown suede hat, with red ribbon inserted, and the ends hanging on the left side, as if in a knotted bow. She spoke to a railway official. She was behind me as I went out. I turned towards the Holdenhurst Road, looking for my car, which was not there. As I passed under the verandah newspapers blew off a trolley. There were four cars there. I tried to stop the papers and almost ran into a man who was standing in the shadow of a car. He was in chauffeur's uniform with a peaked cap, double-breasted short coat, breeches, black leggings, and black boots. One of the cars standing there had its lights all out, and that was a car of a greenish-grey colour; it was a touring car, with a Cape cart hood down. I walked up the station approach, and that car that I had observed with the lights out, and the chauffeur I have described, and the lady I saw get out of the train, passed me, and crossed Holdenhurst Road, going into Southcote Road. The body of the car is very unlike any normal car in this country, having a very long bonnet. I noticed a peculiarity in

the luggage carrier which I have never seen in any other car." And he made a sketch of it. He is shown the hat which was found in the gorse near the body, and he says that is identical with that which the lady was wearing as she got off the train. He says he made a statement to the police within three days, and on the 4th of January, when about to leave Bournemouth Central by the 8.37 train to London, he saw the same car and the same chauffeur that he saw outside the down platform on the 22nd of December, and he gave his son instructions to write down the number of the car, which he did on a matchbox which has now been destroyed. When he was cross-examined he said he looked into the man's face when he nearly ran into him in the shadow behind the car, and he said the prisoner was standing about four feet from his own car, leaning up against another car, the Mercedes car being the nearest car to Holdenhurst Road. He also said the car passed him, going about twenty-five miles an hour, and the lady was then sitting beside the driver. You will remember the son was called to corroborate his story about taking the number of the car on the 4th of January, and the son said it was taken both on a matchbox and also in his notebook. Mr. Humphris' evidence is to some extent confirmed as to there being a car of unusual design standing in the station approach just before 7 on the evening of the 22nd of December, by the evidence of the witnesses Gribble and Richards. Now you have to ask yourselves: "Is there any reasonable possibility of Mr. Humphris being mistaken in his identification of the car and the prisoner?" Because if it was in fact the car No. LK 7405 which was at the Bournemouth Central Station to meet that 7.3 train on the 22nd of December, and there was a chauffeur driving it, have you any doubt that it was the prisoner who was driving it? What criticism was there of his evidence? Only that on some occasion he had given evidence as an expert in some case that was tried somewhere, in which he gave an analysis of a piece of metal, and some other expert gave evidence which did

not agree with his. If you think that that is any reason for disbelieving him, of course you will act upon it; otherwise he stands before you as a man whose intelligence, and probity, and veracity are not impugned.

In addition to the evidence of Humphris you will have to consider the evidence of Nash the signalman. He says he saw the car on that evening, the 22nd of December, at 6.35 on the up side approach. It was not going down the approach to that entrance to the station, but it was standing, somewhere near the top. There are two observations to be made about the evidence of Nash. It is unlikely that the prisoner, with his experience of this place, would be going to the wrong entrance to the station to meet a train coming from Waterloo. On the other hand, as it has been suggested by the prosecution, it is possible that it might have been the prisoner, and that he might have been down to that side of the station for some other purpose. If he was indeed the person who committed this murder one can quite understand him making an excuse when spoken to by Nash, and pretend he did not know which side to go. There is another observation about Nash. Suppose he is mistaken in his identification of the prisoner. Suppose for a moment that that was some other car, and some person who really did not know which was the up side and which was the down side, that still leaves the evidence of Mr. Humphris untouched, and you still have to ask yourselves what reason you can find for doubting the evidence of Mr. Humphris, which, remember, was communicated, in the shape of a report, to the police within a few days, and the number of the car actually supplied when it was obtained early in January. It may be, and I should think it has very probably occurred to you, that the police might have followed up that clue earlier than they did. Well, if they had it is quite possible that a great deal of the evidence which is now before you would not have been available at that time. It is quite possible, if they had proceeded solely upon the evidence of identification, that you, or some

other jury, would have been confronted with the problem of whether you ought to act upon that evidence alone. I presume you will not doubt that Mr. Humphris did make his report within a few days of this, and did furnish the number of the car to the police on the 4th or 5th of January.

Now I will refer to the tracks of the car which are put forward as corroborating the view that it was Mr. Sutton's car which conveyed Irene Wilkins to the spot where she was murdered. You have heard the evidence of the police, and of the doctor, and of Mr. Graham, a motor expert, that the track of a motor car was plainly visible on the road on that morning as having stopped opposite to this place where the body was found. All these witnesses have told you that they have no doubt whatever that the track was the track of a Dunlop Magnum tyre. Some criticism has been passed upon the measurement of the track of the two wheels. The man who measured the track said it measured 4 feet 6 inches between the two wheels. It is said that the measurement of the wheel base of the car, that is from centre to centre of the tyres, is 4 feet 5 inches. Ask yourselves: Is it impossible or unlikely that a track made by the wheels of that car would measure 4 feet 6 inches? Or the man who made the measurement might have made a mistake in measuring the track. It is so small a point that I do not stop to discuss it. The track of a tyre is something more than the centre of a tyre; it is more than the tyre, otherwise it would be exactly the same.

Now supposing you are satisfied that there was the track of a Dunlop Magnum tyre on the road at that spot, have you any doubt that there was, on the 22nd of December, at all events on the near side hind wheel of this car a Dunlop Magnum tyre? Mr. Claydon is a most important witness on this point. He is a tyre agent who says he saw the car on the 2nd of December, when it was running on three Dunlop Magnum tyres and one Dunlop tyre, the spare wheel on the car having a Michelin. He relined the Michelin about the 8th of December, but on

the 27th or 28th of December it was brought back to him and he sold to Mr. Sutton a new Michelin, making allowance for the old tyre. That new Michelin tyre was fitted on the spare wheel on the 29th of December. Then you have the prisoner's own evidence with regard to the tyres, and he tells you that in May and June of 1921 he bought two new Dunlop Magnum tyres for this car, and in September of 1921 he bought a third Dunlop Magnum tyre—that is, three bought between May and September, 1921; also, in May, 1921, when they were in London he bought a Dunlop Magnum tyre of some people named Anderson. So that between May and September, 1921, you have him buying four of these Dunlop Magnum tyres for this car. Then you have the prisoner's statement which he made to the witness Blanchard, who is an electrician, who was doing work at Barton Close, and who saw the prisoner there on the 28th of December. He has detailed the conversation he had with the prisoner, in the course of which he asked him if he could account for all his movements on the 22nd of December. The prisoner turned to the cook and said, "I was in the car with you that night at 6 o'clock," and the cook said: "So you were, and you dropped me at Boscombe Arcade." Blanchard said: "I hope the police will soon find the murderer." Prisoner said: "I do not think so; they will never find him." Blanchard said the police had clues, and they knew the make of the tyres which had made a track in the road. Prisoner said: "That is nothing to go by." The cook asked him what his tyres were, and the prisoner replied: "As a matter of fact, mine are Dunlop Magnums all round." Thereupon Mr. Blanchard went on to say the police were stopping all cars on the road for inspection, to which the prisoner replied: "They won't stop mine, as I am going sick."

Now, you will remember prisoner has denied any of that conversation with the witness Blanchard. He has sworn that he never spoke to him either on that day or any day on such a subject; in fact, he never had any conversation with him at

all. Can you believe that Blanchard has invented all this? The curious thing about it is that that incident in the conversation about the cook being in the car on the 22nd December, and being dropped at the Boscombe Arcade, is confirmed by the prisoner's own statement afterwards when he says that is what he did that night.

Now, further, with regard to the car, you have the evidence which will answer a question put to me by one of your body. The witness Randall, who is a tea salesman, says that on the 24th of December he saw the prisoner changing one of his tyres. Randall is employed by Brooke Bonds, and he kept two vans at this garage. "I saw the prisoner there most days. I saw him there on the 24th of December in the morning. He was changing a tyre and had the wheel on the floor." When cross-examined, he said: "I had two vans there on the 22nd of December. I got in through the stable door, and then slid No. 6 door back. There were a number of vehicles stored outside the garage." Re-examined, he said: "I have been there as late as 9.30 p.m., and there was generally a clear space left in the middle for anything to go in or out. On the 22nd of December I was at the garage up to quarter to 8 p.m., and had the door of No. 6 open. I slid it to when I left. I have never found it locked, and have never known Barratt to lock it. I am sure it was on the 24th I saw him changing the tyre." That is the evidence of Mr. Randall. He speaks of why he remembers being there up to quarter to 8 on the evening of the 22nd of December. Now, with the evidence of Mr. Randall about the changing of the tyre, you have the fact that when the prisoner was interviewed by the police on the 7th of January, he told Sergeant Ellis he had not changed his tyres since the 22nd of December. Have you any doubt that when the police asked him that question they meant "Have you changed any of your tyres, either by putting on a new tyre or by changing the wheel?" Apparently there was some attempt made here to represent that although he may have changed the wheel he

was speaking by the card in telling the sergeant he had not changed the tyres. Of course, if he had changed the wheel he must have known he was misleading the police.

Now, there are two other facts which are part of the case for the prosecution which perhaps I should mention. There is no question that this woman was done to death by the use of some hard and heavy instrument. The doctor has described it as either a hammer, or some instrument with a curve in it. It is quite obvious, of course, that any chauffeur driving a car would have with him in the tool box weapons of that description, spanner or screw-hammer. Either of those which have been produced is an instrument with which such injuries might have been inflicted. There was found after the prisoner had left his lodgings on the 21st of April these two tools, a spanner and a screw-hammer. Evidence has been given by the prisoner and his wife that they were not in his possession on the 22nd of December. Assuming that to be true, can there be any doubt, as I have said, that any chauffeur, driving a car, would have such tools in his tool box quite available at a moment's notice? It is curious that the wife said she used the screw-hammer for breaking coal, and that both these tools came from Reading, and she says they did not belong to the car, and that therefore they were properly in their rooms. The prisoner, on the other hand, says that these tools did belong to the car, but that by some mistake they got packed up with his things that were stored at Barkers, and so got sent down from Barkers to Bournemouth early in February. If they did belong to the car it seems curious that the prisoner should have kept them in his lodgings, and, if he did keep them there, it must have been because he had duplicates in his tool box on the car.

The other fact which has been proved as part of the case for the prosecution is the identification of the prisoner as having purchased a copy of the *Morning Post* on the morning of either the 21st or the 22nd of December. While Mr.

Samways is not certain whether it was the 21st or 22nd he is certain that on one of these mornings the same man, whom he identifies as the prisoner, purchased a *Morning Post* and stayed at the door reading it. It was somebody who was obviously very anxious to see the contents of the paper even before he left the shop. Mr. Samways remembers that by the fact that one of his customers made a jocular remark about backing a winner or getting a tip. It is said that it is unlikely that that could have been the prisoner, because the man who did that asked Mr. Samways where he could get a shave, and the learned counsel points out that the prisoner must have known perfectly well where the barber's shop was, and so would not need to ask. Well, that again is a matter for you to consider. It is said also that the prisoner was in the habit of shaving himself. I suppose there are plenty of people who shave themselves, and who sometimes get shaved at the barber's. I suppose that more often happens when they want what is called a good shave. You will consider that observation, and of course if it throws such doubt on the evidence of Mr. Samways as to the prisoner being the man you will reject that as a piece of evidence in the case.

I have so far endeavoured to put before you the case which is presented to you by the prosecution. I have already reminded you that, however strong a case, or whatever kind of case is presented against a man by the prosecution, he is not called upon by the law to prove his innocence. But the prisoner in this case does put before you an affirmative defence of this charge in the form of what is called an alibi. I need not repeat what I have said, that if this evidence as to the alibi satisfies you that the prisoner could not have been either at the Bournemouth Central Station at 7 p.m. on the 22nd of December, or in the car with this young woman at Seafield Road, of course he is entitled to be acquitted. But, in considering this evidence, it is of the utmost importance that you should bear in mind what time this crime may have been com-

mitted. The learned counsel for the prisoner, in opening his case, said it was inconceivable that any man could have driven that woman from the station to the scene of the murder, and there murdered her, and driven straight back again. Well, you must judge of whether that is inconceivable, or whether, in the circumstances, it is not extremely probable that that is what did take place. Bearing in mind the character of this young woman, and her physical capacity, you must try and picture to yourselves what would be likely to happen. Have you any doubt that that man, whoever he was, drove her away from the Bournemouth Central Station at a rapid rate to this spot at the corner of Seafield Road? What happened when he got to that spot, as I have said, can only be a matter of conjecture. But what is likely to have happened? Have you any doubt what the design of the man was? And when the car pulled up at that spot, whether it was with some excuse, so made for her to alight from the car, or whether it was some indecent action, or some improper action on the part of the man took place which impelled her to get out of the car, can you doubt that the man, whoever he was, followed her across the path up against the wire fence where her umbrella was found leaning against the wire? There were footprints on the footpath, but they were so intermingled that it was impossible to distinguish one from the other. What inference do you draw except that there was a struggle going on? Then she is apparently pushed down in the gorse, and the injuries inflicted upon her head which caused bleeding, injuries which must have taken place when she was on her back, because the blood is found to have run down on the collar of her coat, and not in front. How long do you suppose that would take in the case of a man who has deliberately planned the ravishment of a woman under such circumstances, and in the case of a woman like this who was a pure woman, and who obviously was capable of physical resistance? What would be likely to happen? How long would

it take for the man, whoever he was, to seize that instrument, even if he had not already got it in his pocket, and deal these blows on her head, and then drag the body through the wire fence into the field? And if he had been foiled in his purpose, what object could he have in remaining on the spot, if, in his desperate endeavours to get the better of the woman, he had at last resorted to this violence? And what do you find with regard to the time it would take to go round this circuit? The train arrived at the station at 7.3, and even allowing seven or eight minutes for getting out of the station and into the car, at 10 minutes past 7 the car would leave the station. It takes 10 minutes 35 seconds, going at 18 miles an hour (and Mr. Humphris estimated the speed of the car as it was leaving the station at 25 miles an hour) to get to this spot. Therefore 10 minutes would be an outside time, and he would arrive there at 20 minutes past 7. It takes 6 minutes 20 seconds, going at 18 miles an hour, to get from the spot to the Portman Mews Garage. It may be assumed that 6 minutes would be enough for him to get back to the garage, so what difficulty would there be in allowing half an hour for this tragic scene to be enacted, and for the same car to be back at the Portman Mews by 8 o'clock? You must consider that when you are considering the evidence which has been put before you for the alibi.

Further, in dealing with the evidence with regard to the car at the Portman Mews, one part of the evidence for the defence is that it is quite impossible that this car could have been out during this material time, between half-past 6 and 8 o'clock. You will have to regard the evidence of Mr. Randall particularly in regard to that. You will also have to consider the fact that this key was found at the prisoner's lodgings, a key which, in fact, opens the padlock that was used to fasten these doors. The chauffeur who took the prisoner's place in Mr. Sutton's employ tells you that he actually unlocked that padlock with this key that he found in the prisoner's lodg-

ings. It is said by the prisoner's wife that this is a key that she had when she was in service in London; but what matters it if she did, if, in fact, it is a key which will open this padlock and was available to the prisoner to use if he wished? But was it necessary? Are you satisfied by the evidence of Barratt, or his son, or any other witness, that that place was locked every night so that this car could not get in? You have evidence that even when the two doors, 4 and 5, were padlocked together it was possible to push them both along so that the space would be left open opposite to No. 4. And you have further to consider the evidence of Mr. Randall that even as late as 9 o'clock when he has been there a space has always been left open for the car to come in. And you have one piece of evidence which certainly seems difficult to reconcile with the evidence which has been given for the defence with regard to this car—namely, that on the 15th of December this car was out until between 8 and 9 o'clock, because Miss Sutton has told you that on that night her mother came down from town. Her recollection is that her mother missed the 4.30 train and came by a later one, and after going to the Carlton Hotel, she went on to Barton Close, getting there some time between 8 and 9, and after that the car had to go back to the garage. Yet you are asked by Mr. Barratt and his son to believe that that car was never out of the garage after 6 in the evening. Barratt first told the police the car could not have been out after 6, ever. It may be that that statement caused the police to leave that and follow some other clue rather than follow the clue afforded by the evidence of Mr. Humphris.

Now, in order that it may not be said that I have paid less attention to the defence than to the prosecution, I will remind you briefly of what has been said by witnesses for the prisoner. The first one is the prisoner himself. It must have occurred to you as somewhat strange that where a man, in answer to such a charge, has definitely set up, in the form of a written

statement to the police, an alibi, and has vouched that he is able to describe his movements, not only on that day, but also the actual times at which he was at different spots on the evening of that day, it must have struck you as strange that he, of all other persons, is the one who abstained from going into the witness box when he was before the magistrates, leaving his wife to prove his movements on that evening, leaving Mr. Barratt, Miss Shaw, Mr. Brooks, and others to prove his movements, and he himself abstaining from going into the witness box, and now telling you that the only reason for it was that he was not asked. Who was there to ask him to give evidence? Who was there who would have dared to tell him not to give evidence if he had wished to do so? A man on such a charge, who says, "I am able to prove such facts that it is impossible that I could have committed this crime," and yet who is content to leave other witnesses, including his wife, to prove where he was on that night, asks you to believe that.

I need not go through the prisoner's evidence. If you believe it, it is impossible that he could have committed this crime. Can you believe his evidence when you have heard what he has said in the witness box with regard to these letters? Let me remind you what he said about them. Six post-cards were put to him. Exhibit 23 was one of the post-cards, and he said: "I swear that is not my writing." Exhibit 26 was shown to him, and he said: "I swear the same as to that." He swears the same about 19 and 27—that is, he swears positively they are not in his handwriting. Then he comes to exhibit 28, and he says, after some hesitation: "I admit that 28 is my writing, and if that is, then all the others must be." I need not repeat what I have already said about exhibit 43, the letter from Duren, nor need I go through the evidence which he gave, which, if it is true, makes it impossible that he could have been at the spot in question. There is one thing which he said which may be material in judging how far you can

rely upon what he has said as to the way he was dressed on this night. He said: "I changed my uniform and jacket and put on the grey coat which I now have on, leaving my uniform cap in the car, and putting on a light trilby hat." You will remember his wife said distinctly that he had on a short navy blue coat. One other thing in his evidence: Dealing with the telegram of the 22nd of December, in order to show that he could not have sent that telegram which was handed in at 10.15, prisoner said: "I was at Barton Close on that day at 10.17 a.m." Now the evidence of Miss Sutton is distinct that at Barton Close the prisoner used not to arrive until half-past 10. You must judge why he fixed the time of his arrival that morning as 10.17.

Then his evidence is followed by that of Mrs. Dundee. it is for you to say what you think of the evidence of Mrs. Dundee, a lady who was said by a medical man to be so ill that it was impossible for her to travel here, but, upon my saying I was not satisfied of the fact, arrived immediately afterwards. She says she happened to know the prisoner by sight as a chauffeur in uniform by his calling at the house "Beech Hurst." On the evening of the 22nd of December, walking in the Boscombe Arcade on her way to the Hippodrome, she passed the man in the street in plain clothes, and she said to herself, "Where have I seen that man before?" and she comes here and says she is satisfied it was the prisoner. She says: "It may have been nearly half-past 8 when I saw him." So that if she is right it is obvious that the prisoner might have been at the scene of the murder, and at the Salisbury Hotel by half-past 8.

The next witness is a postman, and it is obvious that I must say a word about his evidence. Arthur Elkins is a man who had some goats out on the Seafield Road. He says he went to move them on the 22nd of December, leaving home about 8.15 p.m. It took him 10 minutes to get to the place where the goats were, so that he was not there until 25 minutes

past 8. He says that he then saw a car standing near the corner of the Seafield Road; he noticed it particularly because his hat blew off close to it. It was a closed car, more like a taxi, dark in colour; it was still there when he left, and it did not overtake him as he was going home. He could not say if there was anybody in it, but he had previously made a statement in which he said he had noticed that there was no one in it. It shows how unsafe it is for people to swear definitely when they have no real opportunity of seeing. He had no reason to suspect a crime. It would have been much better if he had said before that he could not tell whether there was anybody in it or not. Is it at all clear that the car which Elkins saw was the car which was connected with this crime, bearing in mind the fact that the car which bore Miss Wilkins away from Bournemouth Central Station must have been at that spot by about 20 minutes past 7? Is it likely that the same car would be there at 25 minutes past 8? Whatever that car was doing there it is for you to say whether it is either probable or possible that that could be the same car which had conveyed Miss Wilkins to the scene of her doom.

Then the prisoner's wife is called, and she speaks to his movements, which, if you believe her, make it impossible that he could have been the man who committed this crime. I have called your attention to the fact that her description of his dress on the evening of the 22nd of December does not agree with his evidence on that point. You must remember that this night, a Thursday, was her usual night for going to the pictures, the usual night for him to go to the club, the usual night for her to meet him afterwards at the Salisbury Hotel. And as showing you how indistinct is her recollection of that night, you have the fact that in May she told Sergeant Ellis that the prisoner was wearing his uniform coat on that night. You will remember also in considering her evidence that she was asked about letters and post-cards, and she said at first: "I destroyed all letters and post-cards which I re-

ceived from my husband when I moved from London." Then afterwards she has to admit that she had told Superintendent Garrett where to find the cards, and you have heard from Superintendent Garrett that she was actually present in the room when he took these post-cards from the drawer.

Now you have the evidence of the two Barratts. You must ask yourselves whether it can possibly be accurate for Mr. Barratt to say, as he does, that the usual rule was for this car to be put away at about 6 o'clock, and that it never could have got out afterwards. He says that on this particular night it was put away about 6 o'clock in the evening, and that the prisoner left soon after, about 6.15, and that he, Mr. Barratt, left the yard at 7.15, having locked the doors. You must compare that with the evidence of Mr. Randall, which is quite inconsistent with Barratt's evidence. Mr. Barratt says it was quite impossible to get the car out when the doors were locked. You have heard what is said about that. Then Barratt goes on to say about meeting the prisoner at the club, and there is this peculiar feature about that. You know, according to the prisoner's evidence, and that of his wife, that he had promised to meet her at the Salisbury Hotel about 10 minutes to 9. Mr. Barratt says he saw the prisoner at the club and asked him to have a drink. Prisoner said he could not stop because he had promised to meet his "missus" at 10 minutes to 8. "Thereupon," says Barratt, "I looked at the clock and it was 20 minutes to 8." Prisoner, when asked about this, said: "Oh yes, I did say that to Barratt. I told him a lie. I told him I had to meet the missus at 10 minutes to 8 simply because I wanted to get away from the club." Is it not possible that what took place was that what the prisoner said to Barratt was the truth, that he had to meet his missus at 10 minutes to 9, and that Barratt looked up and saw that it was 20 minutes to 9? If so the whole thing is consistent with the prisoner's story of having arrived back at the garage about 8 o'clock, having then gone to the club, and then on to the Salisbury Hotel. It is for

you to judge. Mr. Barratt, you will remember, swears that he observed the tyres of the car, and particularly noticed that there was a Michelin tyre on the near hind wheel. You must compare that with the evidence on the other side, and, if you think it is not true, ask yourselves why Mr. Barratt is pinning himself down to one particular fact about this Michelin tyre. When he is cross-examined he says: "I cannot give the time prisoner came in on any other occasion. On the 29th of December I told Prince the car was never out after 6 p.m. I do not remember it ever being out after 6 o'clock in December." But you know that, as the prisoner himself has admitted, he had more than once to meet a train about 7 o'clock at Bournemouth Central. Then young Mr. Barratt is called to confirm his father's evidence. He swears that the garage was locked at 7, and the stable left open, and that the prisoner came in at 6 or 6.15 and put the car away. He also speaks to being at the Salisbury Hotel and seeing the prisoner there when he arrived at 5 minutes past 8, although the prisoner's own story always had been that it was half-past 8 when he arrived at the Salisbury Hotel. He also professes to identify the tyre on the near hind wheel, and says it was a Michelin tyre, but he could not say what sort of tyre was on the spare wheel. Why should he notice what was on the near hind wheel if he did not notice what was on the spare wheel? Then he is cross-examined. He gave me the impression that he meant us to understand that on the 22nd of December, the material date, this car had a Michelin tyre on the near hind wheel, but when he is cross-examined he says: "I looked at the tyres four days after the 22nd, after the police came, and it was then that I saw the Michelin tyre was there. I did not notice the tyres before that." And he is the gentleman, you know, who was somewhat assisted in his memory by a visit paid to him by the solicitor for the defence shortly before he went into the witness box—at least, so he says. The solicitor for the defence swears that it is untrue. Which do you believe?

If Mr. Barratt is not speaking the truth as to that, then you cannot rely upon any of his evidence. If he is speaking the truth as to that incident of the solicitor, what is the value of his evidence if he is to be prompted by the solicitor? Both Mr. Barratt and the solicitor are on the horns of a dilemma.

Then Miss Shaw, the barmaid, is called. While giving her credit for wishing to speak the truth, do you think that she can really rely upon her memory as to what time a particular customer among about fifty comes in? There is this significant fact in her evidence: She tells you that on the Saturday after the murder, the 24th, the prisoner was in the Salisbury Hotel and had a conversation with her about his movements on the night of the murder. Why? Why was the prisoner discussing with Miss Shaw on Saturday, the 24th December, whether she could remember his movements on the night of the 22nd, unless it was that he was at that stage preparing, or laying the evidence for, the alibi afterwards put forward? She said in her last answer that she remembered that on the 22nd of December he was later than usual coming to the house. Then you have the barman, Baker, who really does not add to it, except to say that he may have been there at 8.30. Mr. Brooks is the friend of the prisoner's who borrowed money, and people who borrow money have bad memories. He says he does not recollect the night; it may have been the 22nd, or it may have been any other night. Mr. Troke, the cab-driver for Mr. Barratt, seems to have been particularly careful about cleaning his cab that night, although it was one of the old-fashioned ones. He says: "I was cleaning my cab from about 6 o'clock until between 8 and 9 that night." He saw Sutton's car there, and the space in front of the sliding doors was all filled up. He left about 8.30, and there was no space left there then. Then he was cross-examined as to the dates the car was out at night, and he cannot give a date, nor can he give the time he came in on any other night. He says: "On any other night I never saw the doors locked. I had never seen a lock on the

centre doors. The only lock I saw up till Christmas was the lock on the end. Miles was out late that night, so there must have been room for him to get in."

Miles is called and says he had a late job and went to the yard at half-past 8. This is not material, because this car might have been back long before half-past 8. Miles says he saw no one on the premises when he went there. Girling, who remembers the date because he had to go about a Christmas box, says the sliding doors were closed before he left; he helped to slide them along. He heard Sutton's car come in, but he did not see it. When he is cross-examined he says an open space was left in the yard for the car to come in, but on the 22nd, when he went away from the yard, all the space was filled up from end to end. But when it was pointed out to him that that was the night when Miles had a late job, and a space must have been left for him to come in, he said: "There must have been room for Miles. I forgot Miles was out." Arthur Brown is called, and he says he was at the Salisbury Hotel at 20 minutes to 9 on the night of the 22nd of December, and he saw the prisoner there. The importance of Brown's evidence is that he says that neither Brooks nor Arthur Barratt was there. Then the steward of the club is called. I do not think he adds much to it. He produces the billiard sheets showing that Barratt, senior, was playing billiards on more than one occasion. Mr. Barter was called, who was the prisoner's landlord at Haviland Road. He was called to prove that prisoner shaved himself. But in cross-examination he gives an answer which is of considerable importance, having regard to the fact that the prisoner has sworn, and said more than once before he came into the witness box, that he went home to his lodgings after he had gone to the club, that he sat down in his lodgings, read the paper, exchanged papers with his landlord, read the paper which Mr. Barter had been reading. Not only is Mr. Barter not asked whether that incident is true, whether he saw the prisoner in the house that evening, but it is left to the learned

counsel for the Crown to put a significant question, and Mr. Barter says: "I do not remember him ever coming in by himself after he had gone out in the evening." That is to say, if he went out in the evening he afterwards returned with his wife.

Mr. Fox Davies: Would your lordship read the rest of his answer, that he could get in without his knowledge?

The Judge: I do not know that he said that, but if he did I do not see how it helps you, because the prisoner's evidence is that he spoke to him and exchanged papers with him. That could not have been without his knowledge. Now, gentlemen, I do not think I can assist you further. I have endeavoured to put before you, on the one hand, the case for the prosecution, and the case for the defence on the other. I remind you once more that it is not for the prisoner to satisfy you that that defence is true, but it is for the prosecution to satisfy you that the prisoner is the guilty man in this case. I must ask you now to retire to the discharge of your duty, which I am quite sure you thoroughly understand is observing the oath which you have taken to find a verdict which you believe in your consciences to be a true verdict, not deterred by any extraneous circumstances. If you are invited to bear on the one hand the responsibility of your verdict so far as it affects the prisoner, you also have to remember the responsibility so far as it affects the lives of other young women who may be lured to their destruction by wicked and lustful men. Therefore, holding the balance evenly between your duty to the public on the one hand, and your duty to the prisoner on the other, you will consider the case in all its aspects and then tell me what verdict you find.

His lordship concluded his summing up at 4.20.

A Juryman: We want to know from Mr. Randall if Mr. Sutton's car was in the garage between 6.30 and 8 o'clock on the evening of the 22nd.

The Judge: He shall be recalled.

WALTER EUSTACE RANDALL, recalled, was examined by the JUDGE:

The jury wish to know whether you did or did not see Mr. Sutton's car at any time that evening in the garage?—I was in the garage on three occasions that evening, and on no occasion did I see it.

By Mr. FOX DAVIES: At the police court did you not say that you were only interested in your own vans?—Yes.

The question that was put to you on this subject at the police court was: "Have you any recollection of then seeing Sutton's car at all"?—Yes, and I said I had no recollection whatever.

The jury retired to consider their verdict at 4.25. They returned to Court, having agreed upon their verdict, at 5.25.

The CLERK OF ASSIZE: Gentlemen of the jury, do you find the prisoner, Thomas Henry Allaway, guilty or not guilty of the charge of murder?

The FOREMAN: Guilty.

The CLERK OF ASSIZE: Thomas Henry Allaway, you stand convicted of the crime of murder. Have you anything to say, or know you of anything why the Court here should not give you judgment of death according to law?

The PRISONER: I beg pardon; I did not quite catch the words.

The CLERK OF ASSIZE repeated the words.

The PRISONER: I am innocent of this crime—absolutely.

The JUDGE: Thomas Henry Allaway, the jury, after a most intelligent and careful consideration of everything that skill and ingenuity could put forward on your behalf in answer to this charge, have found you guilty of a foul and brutal murder. Such a verdict can be followed only by one judgment, that you also shall die. The sentence of the Court, which I pronounce upon you, is that you be taken hence to a lawful prison, and

thence to a place of execution; that you be there hanged by the neck until you be dead, and that your body be buried within the precincts of the prison within which you shall last have been confined before your execution. And may the Lord have mercy upon your soul.

APPENDIX

THE CASE BEFORE THE COURT OF CRIMINAL APPEAL

Allaway entered an appeal against his conviction, and the case came before the Court of Criminal Appeal on the 5th of August, the Lord Chief Justice (Lord Hewart), Mr. Justice Darling, and Mr. Justice Branson composing the Court.

The appellant exercised his right to be present, and he appeared to be far more perturbed and anxious than at any time during the trial at Assizes. He had grown a moustache in the interim.

Mr. T. W. H. Inskip, K.C., and Mr. Percival Clarke appeared for the Crown, and the appellant was represented by Mr. A. C. Fox Davies and Mr. S. Dachies.

Mr. Fox Davies, in a lengthy argument, contended in terms that the verdict was against the weight of evidence in favour of an alibi for both Allaway and the car. He then applied for leave to call Mrs. Greenhalgh, who was too ill to give evidence at the trial at Assizes when called, although she had been present on earlier days. She would say she saw Allaway at 7 o'clock on the night of the murder in Ashley Road, Boscombe, which, if true, would make it impossible that Allaway could have committed the murder.

The Lord Chief Justice said that under the special circumstances the Court would allow this evidence to be presented, because the lady had been present at Winchester to give evidence, but was prevented by illness from doing so. It must not, however, be taken as a precedent.

Mr. Fox Davies said he would ask leave to call still further

evidence, a Miss Russell, who would say that in April she had a reply to an advertisement, which was sent from Burley, New Forest. When she went for an interview in response, improper suggestions were made to her which she repudiated. Counsel said he should contend that this would prove that the Bournemouth crime was committed by someone else than Allaway, and someone now living in West Hampshire.

The Lord Chief Justice said that if the witness proved all that it was said she would prove it would be miles away from the present issue. The application on that point would therefore be refused.

Mr. Fox Davies then called Mrs. Greenhalgh, who said that on the evening of the 22nd of December she was looking out of her window at the corner of Ashley and Haviland Roads, Boscombe, when she saw Allaway, his wife and child, pass by. She looked at the clock a minute or so afterwards, and noticed that the time was 7.3.

The Lord Chief Justice: Do you know at what time the train by which Miss Wilkins travelled from London arrived at Bournemouth Central?

Mrs. Greenhalgh: Yes, but I have forgotten. I heard customers talking about it in the shop.

Mr. Fox Davies then resumed his argument, and, dealing with the evidence of the witnesses identifying the prisoner, contended that they were far from conclusive.

The Lord Chief Justice: Do you propose to deal with the handwriting?

Mr. Fox Davies: Yes, my lords, certainly.

The Lord Chief Justice: How are you going to get over these very obvious similarities?

Mr. Fox Davies: I shall contend that the similarities are not such as to carry conviction with certainty. There is, undoubtedly, similarity in the writing, but is there so much as to make it conclusive?

The Lord Chief Justice: You are asking a question, and

I will answer it. In my opinion the answer is: Yes, the handwriting is most conclusive, and it seems the jury thought so, too.

Mr. Fox Davies went on to contend that the writer of the telegrams, whoever he might be, had not been proved to be the murderer. He also criticised a phrase in Mr. Justice Avory's summing up, saying it was not a proper way to put the matter.

The Lord Chief Justice said the phrase which counsel was referring to was in the nature of a postscript, and taking the summing up altogether there was nothing to object to.

Mr. Fox Davies: I object to the proposition of the learned Judge that the person who drove Miss Wilkins away from Bournemouth Central Station was the person who murdered her. There is absolutely no evidence to support that proposition.

The Court did not call upon counsel for the Crown to reply, but retired to consider their judgment. They were absent ten minutes. On returning,

The Lord Chief Justice delivered judgment. He outlined the case, and then dealt with Mr. Fox Davies' arguments, and the evidence of Mrs. Greenhalgh. His Lordship proceeded: The learned counsel for the prisoner has in substance contended that the jury ought not, upon the evidence given at the trial, to have convicted the appellant. But, in the opinion of this Court, the evidence upon which the appellant was convicted was not merely strong, it was overwhelming and conclusive. There are in the case many coincidences of fact which are remarkable, but when the appellant was arrested some undoubted specimens of his handwriting, both before and after the murder, were obtained by the police, and were submitted to Mr. G. F. Gurrin, the handwriting expert. Copies of that handwriting, along with copies of the decoy telegrams which were sent, are contained in a very remarkable exhibit, which reflects the greatest possible credit upon Mr. Gurrin,

and which constitutes one of the most remarkable pieces of testimony as to handwriting which have ever been brought into a court of justice. It has been said by Mr. Fox Davies that this testimony is a matter of opinion (that is, as to the handwriting), but the documents are visible to the eye, and their lessons leap to the eye. The learned Judge, in summing up to the jury, not only referred to the careful and cogent evidence of Mr. Gurrin, but himself directed the attention of the jury to certain similarities between the undoubted handwriting of the appellant and the handwriting in the telegrams which were sent off on the 17th, 20th, and 22nd of December. No sensible person who looks at those telegrams, and at the admitted handwriting of the appellant, especially the application for the motor licence, can doubt that the man who wrote that application also wrote those three telegrams. The similarities of the handwriting, taken together with the identification of the appellant and the car by Mr. Humphris, even without the other evidence in the case, would have been sufficient to bring the charge home to the appellant. Mr. Fox Davies has done all, and has urged all, that he possibly could do in favour of the appellant, and he has to-day called Mrs. Greenhalgh, an emotional woman in indifferent health, who has deposed to seeing the appellant and his wife outside her shop on the 22nd of December at 7.3 p.m. precisely. It is a most remarkable fact that that is exactly the time at which the train bearing Miss Wilkins from London arrived at Bournemouth Central. Mrs. Greenhalgh had no reason to recall the fact until some time afterwards, and, even if she had given her evidence before the jury, it is the opinion of this Court that the jury would not have accepted her evidence as conclusive, or have attached the smallest possible weight to it. Mr. Fox Davies has made it a matter of complaint that he was not allowed to examine a witness, and put in a book about common mistakes in spelling. In the opinion of this Court the learned Judge rightly excluded that evidence.

Otherwise, if Mr. Fox Davies' proposition were sound, any book upon any subject might be put in as evidence in any case. It is a proposition for which there is absolutely no authority. Some criticism has also been directed against the summing-up of the learned Judge, but, in the opinion of this Court, the summing-up was most careful, complete, and perfectly fair, and it derived force from the testimony, the details of which the learned Judge so accurately mastered and presented to the jury. Under the circumstances, therefore, this appeal is dismissed.